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BY

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Let observation, with extensive view,
Survey mankind from China to Peru.
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ANNUAL REPORT.

THE report of the work of the Society for the year 1937 shows a welcome improvement upon the previous year and, in fact, compares favourably with any year since 1931. Although nineteen members resigned, there was a net increase of twelve through the addition of thirty-one new members. Conditions abroad have their effect upon the membership, as unsettlement in internal conditions or disturbance in commercial relationships is liable to lead to a cessation, fortunately only temporary in some cases, of subscriptions.

The Committee have to record with deep regret the loss through death during 1937 of four distinguished members of the Council: Sir Frederick Pollock, of whom an appreciation was included in the Annual Report of last year; the Rt. Hon. Lord Craigmyle; Sir Walter Shaw and Sir Anton Bertram. It may be recalled that an excellent portrait of Lord Craigmyle with a short memoir was published as a frontispiece to the volume of the Society's *Journal* in 1921. Sir Anton Bertram, besides being a member of the Council, also contributed articles to the *Journal* in its early years and, on retirement from the Chief Justiceship of Ceylon, became Editor of the Society's *Journal* for a short time, but was precluded by ill-health from continuing the work.

The Committee invited Sir Arthur Quekett, K.C., Parliamentary Counsel, Northern Ireland, and Mr. James Christie, C.M.G., Legal Draftsman, New Zealand, to be members of the Council, and welcome their acceptances of the invitation.

The Committee are indebted to H.M. Secretary of State for the Colonies for having issued a despatch to the Colonies not possessing responsible government in which he directed attention to the importance of the work of the Society. The prompt response was most welcome. British Guiana reverted to its former subscription of five guineas instead of the guinea to which it had been reduced, and Zanzibar also restored its former subscription. Malta and Seychelles, which had allowed their support to lapse, again became subscribers, and the Government of Palestine gave a grant of £2. The Government of Fiji did not pay the grant which has been received for some years, but it is hoped that this much-appreciated support may be renewed. The Committee would particularly welcome an extension of membership in the Empire and the United States, as the primary interest of its publications has always been for the English-speaking peoples.

Upon reviewing the accounts for 1936 the Committee found that income did not balance expenditure by approximately £150. Accordingly they decided to approach the four Inns of Court and the Law Society with a request to double their subscriptions to meet the deficiency. Their aid was primarily invoked as they were interested in the foundation of the Society, and the Committee were reluctant to appeal for outside

assistance. It was pointed out that without further support from these bodies the Society would find it increasingly difficult to conduct its work, which was unique in the annals of legal research. Attention was drawn to the fact that the review of Empire legislation is covered by no other Society or Journal; that support is given to the Society by the Governments of the Dominions and Colonies, and the importance of the Imperial aspect of the work has been emphasized by the acceptance by the Rt. Hon. S. M. Bruce, High Commissioner for Australia, of the office of President; that the *Journal* is to be found in practically all the legal libraries of the United States and of other foreign countries, and in this way the Society is maintaining the prestige of English legal research in all parts of the world; and that the Council includes many eminent men in all walks of life who are concerned with comparative legislation. It was added that though the value of this practical recognition is much appreciated, financial aid is needed to encourage and develop the Society's work.

Gray's Inn and the Middle Temple responded by increasing their subscriptions to fifty guineas, and the Committee are most grateful for this continued recognition of the value of the Society's work. The Inner Temple and Lincoln's Inn still have the application under consideration.

The Canadian Bar Association, the Law Society and the Northern Ireland Inn of Court continued their grants as in previous years.

The total result was that the receipts were £90 more than in the previous year. On the expenditure side of the account the full benefit of the reduction in the cost of printing was experienced and was the principal factor in the saving of £50 in working costs. Before the end of the year the reduction of working hours in the printing trade necessitated an increase in costs, which will have the effect of nullifying this saving, but the operation of this increase does not fall within the purview of this Report. Although something has been done to make the income more nearly approach the expenditure, the Committee hope that there may be a continued improvement so that the work may not only be continued without financial anxiety but extended in directions which await attention.

The acceleration of postal delivery throughout the Empire during the past year is an important factor in the work of the Society. The Committee look forward with confidence to the time when it will have reached a stage to enable the publication of the review of legislation to take place at a date nearer to the completion of the year under review. In this and other ways the Society may be able to develop the aim of its founders to make a contribution in the realm of law to the strengthening of the bonds of Empire.

MACMILLAN, *Chairman.*

SOCIETY OF COMPARATIVE LEGISLATION.

Dr. RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED DECEMBER 31, 1937. *Cr.*

	£ s. d.	£ s. d.		£ s. d.	£ s. d.
To Subscriptions :			By Publication of *Journal* :		
General	441 1 0		Printing vol. xviii, pt. 4	140 10 8	
Government	176 8 0		Printing vol. xix, pt. 1	142 14 6	
		617 9 0	Printing vol. xix, pt. 2	110 11 10	
,, Grants :			Printing vol. xix, pt. 3	96 16 0	
Middle Temple	52 10 0			490 13 0	
Gray's Inn	52 10 0		*Add* Cost of Paper	32 11 4	
Inner Temple	21 0 0				523 4 4
Lincoln's Inn	21 0 0		,, Salary of Secretary		250 0 0
Law Society	21 0 0		,, Rent of Chambers	100 0 0	
Canadian Bar Association	10 0 0		*Less* Rent received	40 0 0	
Northern Ireland Inn of Court	5 5 0				60 0 0
Government of Palestine	2 0 0		,, Lighting, Heating and Maintenance of Chambers		20 13 8
		185 5 0	,, General Expenses, including Postage and Insurance		21 14 8
,, Sale of *Journals*	33 8 1		,, Telephone		7 12 6
Less Cost of Back Numbers, Reprints, etc.	5 15 0		,, Stationery		5 2 5
		27 13 1	,, Audit of Accounts		3 3 0
,, Proceeds of Advertisements		8 8 0			891 10 7
,, Sale of *Great Jurists of the World*		2 13 5			
,, Interest on War Loan—					
Year to December 1, 1937, less Tax		5 5 0			
		846 13 6			
,, Cash at January 1, 1937 :					
In hand	7 4 2				
At bank	96 10 11				
		103 15 1	,, Cash at December 31, 1937 :		
,, Subscriptions in arrear paid during 1937		14 15 2	In hand	3 1 4	
,, Subscriptions in advance paid during 1937		50 10 4	At bank	121 2 2	
					124 3 6
		£1,015 14 1			£1,015 14 1

We have examined the above Receipts and Payments Account with the Books and Vouchers, and certify that it agrees therewith. We have verified the Bank Balance and also the investment of £200 3½% War Bonds.

LONDON : 48, Copthall Avenue, E.C.2.
January 26, 1937.

CASH, STONE & CO.
Chartered Accountants.

INTRODUCTION.

[*Contributed by* F. M. GOADBY, ESQ., D.C.L.]

THE compilation of a non-official review of the legislation throughout the Empire in any year is no light undertaking; it demands the voluntary co-operation of so many correspondents, most of them busy persons. Our review of the legislation of 1936 almost covers every part of the Empire, including also Mandated Territories and those under British control though not Imperial. As has been the case for many years, we have not been able to re-establish communication with British Honduras, and we have again failed to secure a review from the Falkland Islands. We are able, however, to bring our review of Ontario legislation up to date, as also that of Ceylon and of Transjordan. That of New Brunswick is again delayed. The complete Annual Review always escapes us, but we can claim to have all but grasped its tail feathers. A combination of circumstances prevents us on this occasion furnishing a review of the Federal legislation of the United States. We hope, however, to resume next year our former practice.

In this place it is not feasible to do more than to draw attention to a few of the more remarkable or significant of the enactments for the year under review, namely, 1936. The very detailed Index which we are able to provide enables a reader to ascertain rapidly what territories have legislated on what subjects.

Constitutional Law.—Dr. Carr notes (p. 2) the Acts incident to the accession of Kind Edward VIII which were destined to frustation. The Malta (Letters Patent) Act, also noted (p. 2), has indeed been recently attacked as in part *ultra vires*, but the Judicial Committee did not accept this view.[1] The Constitution (Amendment No. 27) Act (p. 21) of the Irish Free State, which we are now apparently, contrary to all precedent, to name only in Erse, is not pleasant reading for those who value Imperial unity. The sins of the fathers are, indeed, being visited upon the children unto the third and the fourth generation. England, we are told, never remembers; Ireland has not yet forgotten. Alberta (p. 34), much in the public eye to-day, has introduced a measure making the "recall" possible of members of the Legislative Assembly. Tasmania (p. 94) substituted a quinquennial for a triennial term for the House of Assembly. The Leeward Islands Act, 1871, has been amended (p. 181) with a view to increasing the Governor's power to secure in any Island legislation deemed requisite for good government or financial stability. A measure of popular representation has been granted in certain of the Islands. The administration of some of the West Indian Islands has recently been brought rather unhappily to the public notice. We cannot but feel concern to

[1] *Sammut* v. *Strickland*. *The Times*, July 26, 1938. See also Dr. Berriedale Keith in *Journ. Comp. Leg.*, Third Series, vol. xviii, pt. iv, p. 279. The report in *The Times* is, however, misleading. The allegation of *ultra vires* concerned s. 15 of the Malta Letters Patent of August 12th, 1936, and not the Act of even date therewith.

secure in them, some of our oldest possessions, the peaceful and sympathetic government which we are sometimes inclined to claim as a typical British production.

Ministers and members in Queensland were the beneficiaries of a like generosity to that shown by the Imperial Parliament, considerable increases of salaries being recorded (p. 83), and the salaries of the members of the Commonwealth Parliament and of the Ministers were also raised (p. 64). A more economical spirit, however, reigned in Quebec—Ministers and members alike were subjected to a cut (p. 54).

Apart from the Irish Free State, the territory in which the most serious constitutional change was made by legislation in 1936 was probably South Africa. The Representation of the Natives Act (p. 120), which deprives " natives " of the Cape Province of their right to be enrolled in a single electoral roll with non-" natives," is one among many indications of the tendency towards racial segregation so manifest in many directions to-day. The Political Disabilities Removal Act of New Zealand (p. 112) has other aims. It permits public servants to contest parliamentary elections, and they can take four weeks' holiday, happily without pay, for the purpose of their candidature. If this candidature is successful, the office held is automatically vacated. To the old-fashioned who approve the decent obscurity in which our public officials are expected to veil their political views, this enactment will not commend itself. By the same enactment trade unions and the like are empowered to employ their funds in the furtherance of political objects.

Family Law.—No very striking enactment bearing upon the law of marriage is recorded. The Marriage Law of South Australia has been consolidated (p. 93) with some changes, particularly in the matter of prohibited degrees. A person may now marry his or her uncle or nephew by marriage, and it is in general provided that a person whose marriage is terminated by the order of a court may remarry any person not within the prohibited degrees as if the marriage had been terminated by death. In India a new Parsi Marriage and Divorce Act was enacted (p. 142) to accord with the " vast changes " which have taken place since 1865 in the sentiments of the Parsi community. From a European point of view the new Act would seem to be conservative rather than revolutionary. The Commonwealth of Australia has implemented the provisions of the Convention of 1930 as to national status of married women (p. 84), by provisions similar to those of the Imperial 23 & 24 Geo. 5, c. 49. Ontario in 1935 enacted what is described as " one of the most unique statutes which any legislative body has ever enacted." It concerned the Dionne quintuplets, whom it made special wards of the King, and it defined in terms the position of their father as regards them (pp. 47–8). The judges always enjoy a fling at the legislature, and gibes have often been cast by them at the wonderful definitions sometimes inserted in Acts of Parliament. The Victorian Adoption of Children Act makes an " infant " include (for certain purposes) a person over the age of 21; which may be convenient but is not sense. We ought not to have long to wait for an Act providing that the term " adult " shall (for certain purposes) be deemed to include a child *en ventre sa mère*. The Victorian Act contains indeed some important amendments of the law, which are set forth on p. 96 of our Review.

Both in Ontario (1935) (p. 47) and in Manitoba (1936) (p. 41) new legislation has been passed dealing with wives' and children's maintenance.

Mr. McLean, our Manitoba correspondent, refers in connexion with the Manitoba Act to the doubts which have arisen as to the jurisdiction conferred upon magistrates thereunder owing to the provisions of s. 96 of the B.N.A. Act. Readers will recall that this point was touched upon by Dr. Berriedale Keith in his Notes in our February number.[1]

Transport.—The Cape of Good Hope has taken a step which some have advocated in England and given to the Divisional Councils power to regulate for and impose a licence fee on pedal bicycles (p. 130). These Divisional Councils were, it will be recalled, originally Road Boards, and the care of the roads still remains their principal function though, as has happened elsewhere, they have also attracted other and unrelated duties.[2] The bulk of transport legislation reported relates, however, to motors. Ontario in 1935 (p. 48) and Saskatchewan in 1936 (p. 58) deprive guest passengers of rights of compensation for damage due to the negligence of the driver. In Queensland (p. 84) and in South Australia (p. 93) third party insurance has been made compulsory. The Queensland legislation excepts persons living with the owner as members of his family or in the service of the owner, and further provides that hearings before the Supreme Court shall be before a judge without a jury. The South Australian law requires that the insurance policy shall cover the liability of every person driving the vehicle, whether legally or illegally. In Southern Rhodesia compulsory insurance is applied only to public service vehicles (p. 140), but powers are given to the Governor to extend its application.

The Government of the Gold Coast sought to protect the railways betimes from the loss to be anticipated from the new programme of road construction (p. 163). Cocoa is not normally to be carried by road in a coastwise direction, nor are imported goods to be carried from the coast to the interior. Reorganization of railway management was the subject of legislation in Canada (p. 31) and in New Zealand (p. 107), where the administration of the government railways is once more transferred to the Minister of Railways acting through a general manager. The transfer is apparently a question of general policy, the present administration preferring direct government responsibility to the " intervention of buffer boards."

Air Navigation forms a head of increasing importance. The first attempt made in the Irish Free State to regulate it is noted on p. 23. The legislation appears to be sufficiently comprehensive. As is also done by the Air Navigation Act, 1936, of the United Kingdom (p. 9), owners of aircraft are compelled to insure against third party risks. Provision is also made for giving the force of law to the Warsaw Convention of 1929 and the Rome Convention of 1933. Transjordan also (p. 192) applied the Warsaw Convention in 1936, and the Sudan Air Navigation Ordinance follows the United Kingdom Act of 1920 (p. 175). Modifications of the Australian Commonwealth Air Navigation Act of the same year proved necessary in consequence of the adverse view of the High Court as to its validity (p. 61). The subject was considered by Dr. Berriedale Keith in our issue for February 1937.[3]

Legal Practitioners.—Legal practitioners have required attention in sundry localities. A comprehensive measure was enacted in New South Wales (p. 74) providing (*inter alia*) for the keeping of trust accounts by solicitors and for the establishment of a guarantee fund provided by annual

[1] *Journ. Comp. Leg.*, Third Series, vol. xx, pt. i, p. 109.
[2] *Ibid.*, vol. i, pt. ii, p. 129. [3] *Ibid.*, vol. xix, pt. i, p. 113.

subscriptions. Less drastic provisions as to solicitors' trust accounts were enacted in Victoria (p. 97). New regulations as regards complaints of professional misconduct by solicitors were made in the Straits Settlements (p. 156) in imitation, it is stated, of the provisions of the United Kingdom Act of 1932. It seems that complaints are to be addressed to the Bar Committee and that the Disciplinary Committee appointed is to consist of three members of the Bar. Quebec enacted a new Bar Act (p. 52). In Quebec admission is only possible for British subjects. To obtain it a three years' college course and a degree in law is followed by a professional written examination, which is in turn succeeded by a period of practical training. At the end of this period an oral examination on questions of law and practice must be undergone. Three failures in the written examination is a bar to further entry. Quebec certainly seeks to make professional legal training a reality. The conditions of call to the Bar in England are protected from change by a sacrosanct tradition. But those for admission as a solicitor were further modified by a new Solicitors Act (p. 11), though the law on the subject had been consolidated so recently as 1932.

Relief of Debtors.—Apart from the special provisions for the relief of debtors which the trade depression calls forth we note various more general enactments. Western Australia has abolished distress for rent (p. 102). Victoria has reformed radically the law of hire purchase. Where an owner retakes possession of the hired chattels the hirer may now recover all money paid by him under the agreement less amount allowed for depreciation according to prescribed rules. The other provisions appear to be equally drastic (p. 98).[1] The power to attach wages before judgment in Ontario has been abolished (p. 50), and Queensland has strictly regulated attachment of the wages of " workers " (p. 87).

The Zanzibar Government is still in the throes of its gallant effort to find a solution of the native indebtedness problem. Unexpected difficulties have arisen and caused delay, and the moratorium originally declared by the Alienation of Land (Restriction) Decree of 1934 as to the sale of Arab and African mortgaged lands was again extended (p. 172). The necessary remedial legislation is, however, in prospect.

As a result of a recommendation of the Royal Commission on Labour, imprisonment for debt has been closely restricted by an important Act of the Indian Legislature (p. 143). More special relief to agricultural debtors was afforded by Acts of Bengal (p. 144), Madras (p. 145), Punjab (p. 147), Burma (p. 147), Assam (p. 148) and the Central Provinces (p. 148). A new Bankruptcy Law was enacted in Palestine (p. 188), after having been before the public in the form of a Bill for some years. As might be expected, it follows the English model though with some deviations. The Ottoman Law of Bankruptcy which had theretofore been in force was French in character.

Criminal Law.—In Palestine also the Ottoman Penal Code, which was also French in principle, was superseded by a new Penal Code (p. 189) which reproduced with a few modifications the now well-known East African Code, and has been fully discussed by Professor Bentwich in a recent issue of this *Journal*.[2] The Ottoman Code, some years since repealed in Cyprus (Cyprus Criminal Code Order in Council, 1928), now

[1] Articles upon hire purchase law in the Dominions will appear in the ensuing issues of this *Journal*.

[2] *Journ. Comp. Leg.*, Third Series, vol. xx, pt. i, pp. 71 ff.

remains in force in Transjordan only among territories under British influence, and there our correspondent notes amendments made to it both in 1935 (p. 191) and 1936 (p. 192).

Referring back to the East African Code, it may be remarked in passing that the decision in *Woolmington* v. *Director of Public Prosecutions* made necessary, as had been foreseen,[1] a modification of the Criminal Code in Kenya (p. 168), Nyasaland (p. 169) and Uganda (p. 172). Tanganyika has followed Kenya and Uganda and embodied in the Criminal Code the amendments recommended and agreed upon to which reference was made in our last Review[2] (p. 170). Nigeria (p. 164) and Jamaica (p. 180) legislated with a view to facilitate the identification of criminals by means of finger-prints, and in very many territories provisions were made to give effect to the International Convention of 1929 for the suppression of counterfeit currency. Among such may be mentioned Hong Kong (p. 153), Straits Settlements (p. 156), Federated Malay States (p. 158), Seychelles (p. 159) and Sierra Leone (p. 165), which last also sensibly applied the Imperial Counterfeit Medal Act, 1883, in order to check the circulation of medals " which may easily, particularly among an illiterate people, be mistaken for coins." Jamaica (p. 179) has amended its law as to young criminals, but the new provisions do not appear to be of striking interest. Both there and in the Bahamas (p. 177) juvenile offenders are not to be sentenced to death but are to be detained during His Majesty's pleasure. Special provision was for the first time made in Sierra Leone (p. 164) for the trial and punishment of juvenile offenders ; juvenile courts were set up, and in general the main provisions of English law upon this subject were introduced. In Hong Kong imprisonment was added as a penalty in " mui tsai " cases, this addition being the outcome of comment in the House of Commons upon the penalties previously inflicted (p. 155).

The Palestine Evidence Ordinance of 1924 prohibited judgment on the evidence of a single witness unless (in criminal cases) the accused admitted the charge or there was corroboration. This provision, salutary indeed in the normal circumstances of Palestine, was suspended as from October 1937 (p. 189). The suspension is, it seems, intended to be temporary only. Other indications of the then and unhappily still distressing condition of affairs in Palestine are afforded by the special arrangements for trials by British judges only in criminal cases arising out of the disturbances (p. 189), the extension of powers to suspend newspapers (p. 190) and the provisions for the award of pensions to special constables and their dependents (p. 190).

Dr. Carr describes the Sunday Observance Act, 1677, as a typical English anachronism. The sense of religious obligation which weighed upon the seventeenth-century legislator is indeed less urgent to-day ; yet the provisions of the Shops (Sunday Trading) Act noted by him on p. 5 show that the social value of the Sabbath interval is still realized. Is not this only one among several examples of the sanctified common sense of Mosaic institutions, religious obligation being called in to support hygiene " maaking 'em goa togither, as they've good right to do " ? In England, however, a reservation has long been made in favour of those who observe the original Sabbath as a day of rest. Quebec appears now to have cut this concession out of her local Sunday Observance enactment (p. 52).

In Jamaica any three responsible residents are now permitted (with

[1] *Journ. Comp. Leg.*, Third Series, vol. xvii, pt. iv, p. 281.
[2] *Ibid.*, vol. xix, pt. iii, p. xxxv.

police permission) to organize a lottery for the purpose of building or repairing a church or in aid of any charitable or religious institutions (p. 179). The puritan will hardly commend the practice of raising money for places of worship by means of a gamble, but, if report speaks true, the funds for the erection of our mediæval cathedrals sometimes had an origin hardly more estimable. Queensland, as a result of extensive inquiry into racing and betting generally, has remodelled its laws as to race-courses (p. 84). Some of the provisions of the new law are interesting. Bookmakers are in further cases to be allowed to sue or be sued in respect of bets made on the ground ; tipsters' advertisements are made unlawful, and provision is made prohibiting any place to be used for the purpose of conveying to persons not on the course information concerning the race during the time when a race meeting is in progress. The publication in newspapers of racing odds is prohibited.

The suppression of " slot machines " is a common concern of the Canadian Governments. A very full definition of the slot machine is contained in the Nova Scotia legislation (p. 43), which outlaws such machines in the strictest sense. They are not to be capable of ownership or the subject of property rights—*divini juris*, we might say, dedicated perhaps *diis manibus*. Alberta, in spite of its numerous other commitments, found time to extend its definition of the slot machine with a view to its suppression (p. 34) ; Prince Edward Island (p. 51) forbids any civil court to recognize or give effect to any alleged ownership or property right in a slot machine, while Saskatchewan (p. 59) hopefully vests the property in all slot machines found in the Province in His Majesty, who can, we may be sure, be trusted to dispose of them in the appropriate manner.

Legislative Borrowing.—No doubt the United Kingdom borrows suggestions for legislative reform from the Dominions. Family Maintenance provisions have been held up as a model for similar legislation here, and in the last number of the *Modern Law Review* the Motor Vehicles (Third Party Risks) Act, 1928, of New Zealand [1] was commended as providing a system of third party insurance much more efficient than our own.[2] On the other hand, the Dominions and Colonies—the latter more than the former—borrow much from English legislation. The Law Reform (Miscellaneous Provisions) Act, 1934, and the Law Reform (Married Women and Tortfeasors) Act, 1935, were adopted in New Zealand (p. 112), the latter Act was adopted in Alberta (p. 34), Grenada (p. 182) and Hong Kong (p. 154). Other examples of the same tendency are afforded by the Conveyancing Act, 1934, of Ontario (p. 45) ; the Sheep Protection (Amendment) Act, 1934 (p. 45), of the same Province which adopts the provisions of the Dogs Act, 1906 ; the New South Wales Companies Act, 1936 (p. 81), which also introduces into New South Wales " workers' shares," the provisions being modelled upon those of the New Zealand law [3] ; the South Australian Mercantile Law Amendment Act adopting provisions from the Factors Act, 1889 (p. 91) ; the new Indian Companies (Amendment) Act (p. 143), in which the provisions of the English Act of 1929 are " extensively followed but regard is paid at the same time to certain problems peculiar to Indian conditions " ; the Trade Unions Ordinance of Ceylon (p. 149), which is modelled on the English Acts of 1871–1927 ; an enactment of the Federated Malay States (p. 157), which

[1] *Journ. Comp. Leg.*, Third Series, vol. xii, pt. ii, pp. 136–7.
[2] *Modern Law Review*, vol. ii, pp. 38 ff.
[3] *Journ. Comp. Leg.*, Third Series, vol. viii, pt. i, pp. 146 ff.

by requiring notice in writing for the perfecting of the title of an assignee of a chose in action brings the law of the Federation into line with that of Great Britain ; and a comprehensive Order of the Government of Sarawak (p. 160), which substantially reproduces the Copyright Act, 1911. Following the Imperial Petroleum (Production) Act of 1934, Western Australia has in turn declared all petroleum on or below the surface of any land to be vested in the Crown (p. 102), and this course is now being taken in various territories—Papua, for example—in the year now under review (p. 105). In Papua helium is coupled with petroleum for this purpose, and the grant of permits, licences and leases is limited to British subjects or to companies under British control. A prospectus of a company must be verified by oath and approved by the Lieutenant-Governor. An Ordinance of the Gold Coast (p. 162), on the other hand, vests in the Governor the property in and control over all minerals in the Northern Territories, *other than coal and mineral oil*. Fees, rents and royalties under the Ordinance form part of the public revenue, with some concessions made to the Native Authorities.

Miscellaneous.—Jamaica has remodelled her law as to Intestate Estates (p. 180), repealing the early English Acts formerly in force. Curtesy, Dower and Escheats have now been abolished in Grenada (p. 181), where they cannot ever be deemed to have been indigenous. Provisions were made in Malta for the conduct of legal proceedings in Maltese and for the translation of Italian texts into that language (p. 188). Notaries Public in Sierra Leone are apparently no longer to be appointed by the Archbishop of Canterbury, who, oddly enough, appears to have been thitherto the sole authority for such appointments (p. 166). Prince Edward Island authorized the Lieutenant-Governor to regulate the exhibition of advertisements along country highways (p. 50), and Western Australia (p. 103) made the publication of statements advertising property with a view to sale punishable if they are false in a material particular. The publisher of a statement proved to be false is to be deemed to have known its falsity unless he proves the contrary. This is no doubt as it should be ; but it does not protect the consumer from the more common wiles of the advertiser. Good " salesmanship " never requires to be supported by direct falsehood ; but the fanciful exaggeration which tempts us from every hoarding creates an atmosphere which tends to the consumer's undoing. There is a mediæval flavour about Ordinance No. 12 (Nigeria), which authorizes Administrative Officers to seize food required by the members of an escort where the inhabitants refuse to supply it (p. 163). In Nyasaland (p. 170) Government Notice No. 25 provided that there should be no further alienations of land in fee simple ; all land not already alienated is to be native trust land, vested in the Secretary of State for the benefit of the natives. The principle seems indubitably sound. Whatever heresies may be rife in Alberta from an economic point of view, the Province appears to be orthodox in a political sense. The School Act of 1926 (p. 38) required a flag-pole to be erected and maintained on school grounds and a Union Jack to be flown therefrom on all such days as might be prescribed by regulation. When not so displayed the flag is to be hung upon the wall inside the schoolroom. If British sentiment can be thus encouraged, Alberta at least is doing what it can to help. Is the presence of the Royal Arms in so many of our Parish Churches the outcome of a similar inspiration on the part of our own governing authorities ?

BRITISH EMPIRE.

I. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* CECIL T. CARR, ESQ., LL.D., *Editor of Statutes Revised, Statutory Rules and Orders, etc.*]

THERE were 54 Public General Acts of Parliament in the session 26 Geo. V & 1 Edw. VIII which began on November 26, 1935, and ended on October 30, 1936. Two volumes were necessary to contain their 1,900 pages. Nearly half of this unprecedented total consisted of welcome consolidations repealing and replacing masses of earlier law. Of the residue nearly half was made up of the two statutes (cc. 2 and 3) into which the huge Government of India Act of the previous session was divided in order to separate the provisions for India from those for Burma. The Reprinting Act (c. 1) which authorizes this useful rearrangement has technical precedents in the printing of the Air Force Act as a variant of the Army Act [1] and in the 1932 provisions for reproducing certain statutes in separate form for the purpose of their operation in Scotland.[2] It has, however, one novel feature; it directs the Clerk of the Parliaments to endorse on the resultant statutes for India and Burma a retrospective date of the Royal Assent, namely the day in the previous session whereon the original Government of India Act, 1935, became law. The reprinting process calls into being a second Government of India Act, 1935, and the second replaces the first for all purposes. The Reprinting Act also makes a few minor changes of words to remedy errors of printing and grammar discovered in the original text. The express insertion of a comma and the substitution of a semicolon for a comma are noteworthy precedents.

Improvement of the Statute Book.—The Coinage Offences Act (c. 16), reproducing the old law as amended by a recent Convention Act, is mere consolidation. This fact had to be explained to a critic who objected that the severe penalties of the old law were reappearing in the new. Other instances of reproduction without substantial amendment are the closely interrelated Old Age Pensions, National Health Insurance and Contributory Pensions Acts (cc. 31–3). The last of these had to deal with the awkward temporary provisions for "pre-1925 widows" and "1929 Act widows." Still further instances are the Private Legislation Procedure (Scotland) Act (c. 52) and the Public Health (London) Act (c. 50). On the other hand there was no mere scissors-and-paste about the Public Health Act (c. 49) which applies to England outside London—another triumph for the skill and industry of the experts of the Local Government

[1] See 7 & 8 Geo. V, c. 51, s. 12.

[2] See 22 & 23 Geo. V, c. 46, s. 89 (2) (children and young persons), and c. 48, s. 57 (2) (town and country planning).

and Public Health Consolidation Committee. Mixing amendment with consolidation, the Public Health Bill was referred (like the Local Government Bill in 1933) to a Joint Select Committee but not to the Joint Select Committee on Consolidation Bills. The normal course of gathering up the many amendments into a preliminary separate Bill,[1] to run ahead of, and be ultimately absorbed by, a consolidating Bill, was rejected because the amending Bill would have been more voluminous than intelligible. There was the usual risk that a Bill which consists of consolidation *plus* amendment might be smothered to death by additional amendments. Fortunately goodwill prevailed and the worst did not happen.

Lastly the Housing Act (c. 51) repeals and replaces laws successively rewritten in 1890 and 1925. It does not take effect till January 1, 1937, and it is able to include references to the Public Health (London) Act which received the Royal Assent simultaneously. The reference to the 1925 Act in the schedule of repeals (as 15 Geo. V, c. 14 instead of 15 & 16 Geo. V, c. 14) indicates diversity of practice in a technicality which should now be well settled.

Constitutional and Imperial.—The accession of King Edward VIII requires new provision for the Civil List. Destined to be in part frustrated and in part superseded by fresh provision on the accession of King George VI, the Civil List Act (c. 15) begins, of course, with the formal surrender of the hereditary revenues. Other features, less usual, are due to the fact that Edward VIII was unmarried and that the Duchy of Cornwall was for the present vested in the sovereign. The contingency of the King's marriage is dealt with in one section ; another enabled His Majesty, by order countersigned by the First Lord of the Treasury and the Chancellor of the Exchequer, to assent on behalf of any son who became Duke of Cornwall to payments from the Duchy revenues for his maintenance and education till he came of age.

As already explained, the big Acts about India and Burma do not make new law ; but the general power of adapting Acts by Order in Council (under s. 311 (5) of the Government of India Act) led to copious amendments of existing legislation, it being now necessary, for instance, to write Burma into statutes like the Army and Air Force Acts, the Evidence by Commission Acts, Foreign Jurisdiction Act, Appellate Jurisdiction Acts, Easter Act, and so on.[2]

The Malta (Letters Patent) Act terminates the dyarchical arrangement of the 1921 Constitution and restores the full powers of the prerogative (c. 29). S. 1 takes away any limitation on the power of His Majesty to revoke or amend the Malta Constitution Letters Patent by further Letters Patent.[3] For the removal of doubt s. 2 declares valid various ordinances passed during the provisional régime ; litigation arising over one of these was at the moment impending on an appeal to the Privy Council.

Inequalities in the method of assessing oversea Governors' pensions are removed by the Pensions (Governors of Dominions, etc.) Act (c. 25) which amends an Act of 1911. Under the old law a Governor could not

[1] See the comments of Lord Salisbury, Lords Debates, 1936, April 2, pp. 418–19, and the replies at pp. 423–4 and 427–9.

[2] See the Government of India (Adaptation of Acts of Parliament) Order, 1937 (S.R. & O. 1937 (No. 230) p. 963). The orders adapting the laws of India and of Burma are not less voluminous : see S.R. & O. 1937 (Nos. 265 and 269) pp. 255 and 985.

[3] See Professor Berriedale Keith's note, *Journ. Comp. Leg.*, Third Series, vol. xviii, pt. iv, p. 279.

earn a pension at Governor's rates unless he had served ten years as Governor. He will now be qualified after three years' service as Governor if he can show ten years as Governor and civil servant. There are special provisions about service in the Sudan.

Defence Forces.—The Army and Air Force (Annual) Act makes fewer amendments than usual in the Army Act and the Air Force Act, which it continues for another year (c. 14). One minor change concerns an anomaly under s. 146 of each of the principal Acts. This section prevented an officer of the regular forces on the active list not only from being a sheriff but also from being a mayor, alderman or councillor of a city or borough, though it allowed him to be a county councillor. There was no such statutory restriction for non-commissioned officers or other ranks. The section is now partially repealed so that an officer remains incapable of becoming sheriff—a compulsory duty, if he happens to be pricked for selection, which might conflict with his military service—but both officers and private soldiers will now alike be eligible for holding office on local government bodies, subject to any requirement under King's Regulations that the consent of superior authority be obtained. This position conforms with the Blanesburgh report of 1925 on the candidature of Crown servants in respect of local government activities.

Agriculture.—The depressed industry of agriculture must still require subsidies. Two, initiated in 1934 as temporary measures, are continued by the Milk (Extension of Temporary Provisions) Act and the Cattle Industry (Emergency Provisions) Act (cc. 9 and 46). The sugar beet position had been referred to a committee presided over by Sir Wilfrid Greene, now Master of the Rolls, which recommended that the subsidy be dropped but offered alternative suggestions if this step were not acceptable to the Government. The resultant Sugar Industry (Reorganization) Act (c. 18) continues State assistance for home-grown beet, but at lower rates and with fresh safeguards and controls. A Sugar Commission is set up to keep under review the growing of sugar beet and the manufacture, refining, marketing and consumption of sugar in the United Kingdom, as well as to advise and assist the Minister of Agriculture and the Treasury. The Act amalgamates the eighteen existing sugar factories (conveniently nicknamed "the transferor companies" for the draftsman's purpose) into a new company, the British Sugar Corporation Ltd. Compulsory powers were provided but voluntary amalgamation made them unnecessary. The Treasury may guarantee the Corporation's debentures for furnishing working capital up to a million pounds. The Corporation is to negotiate a contract with the growers and submit annual proposals to the Sugar Commission on the production and marketing of white sugar in the coming year. The Commission will keep a register of sugar refiners. If satisfied at any time that, "with a view to the prevention of inefficient or uneconomical refining and marketing of sugar, it is expedient in the public interest (due regard being had to the interests of consumers) that control should be exercised as to the establishments at which the business of refiners of sugar may be carried on," the Sugar Commission may tighten matters up by a scheme for licensing (and not merely registering) the refiners. The draft licensing scheme will be prepared in consultation with the Minister of Agriculture and the Board of Trade. After due advertisement and opportunity for objections, the scheme will come into force on an affirmative resolution of both Houses of Parliament. There is a clause for fair wages for the workers in the industry. In order to encourage the

Corporation to combine economy with efficiency, s. 14 (4) ensures that any savings will enure to its benefit. Elsewhere the Act does something for research and education.

Unemployment.—The agricultural worker was expressly excluded from the scope of the Unemployment Insurance Acts. Now, in accordance with the advice of the Statutory Committee to which the question was referred, the Unemployment Insurance (Agriculture) Act (c. 13) brings him in. The further question of including private gardeners is remitted to the same Committee by s. 14 of the new Act. If the report is favourable, the Minister of Labour will lay before Parliament a draft order amending the Act in relation to private gardeners and, on approval by resolution of both Houses, the draft order will become law.[1] The Act keeps the rate of the agricultural worker's contributions low. He will get a prospective benefit of 14*s.* (3*s.* less than in the general scheme of insurance) for a contribution of 4½*d.* a week. Twenty contributions in two years entitle him to benefit. Regulations are to arrange that persons living in rural areas can claim and receive their agricultural benefit at a Post Office reasonably near their homes. There are special conditions for long hirings. On the financial side there is to be a separate Agricultural Account of the Unemployment Fund. The 1935 Act, which had so tidily rewritten the previous statutes, has already to be copiously amended and adapted.

Though the Government of Ireland Act made unemployment insurance a "transferred service" for which the Belfast Parliament would be responsible, subsequent recession in shipbuilding and the linen trade led to agreements of 1926 and 1928 whereby the United Kingdom Exchequer gave assistance to the Northern Ireland Exchequer. These agreements received statutory confirmation at the time. Now a new Unemployment (Northern Ireland Agreement) Act supersedes them (c. 10), the Belfast Government having made out a case for a higher contribution from Westminster.

The complications due to the postponement of the "second appointed day"[2] are not yet over. The Unemployment Assistance (Temporary Provisions) (Extension) Act carries on the transitional readjustment and helps the local authorities to bear a little longer a burden from which they had expected to be relieved (c. 7).

Other Aspects of Employment and Industry.—Among other measures for stimulating trade and employment, there is the Railways (Agreement) Act (c. 6). It confirms an arrangement whereby four main-line companies put in hand a big programme of reconditioning and improvement in excess of normal requirements while the Government guarantees a loan to be re-lent to the companies through a finance company formed by the Treasury. Another finance company is set up under the Special Areas Reconstruction Act (c. 19). Its object is to lend money to persons or bodies desirous of establishing or developing small businesses in the "special areas" (*i.e.* the black spots where unemployment is worst) and unable to borrow from banks. The schedule to the Act shows that the Treasury finds the preliminary and administrative expenses of the company, pays pound for pound in respect of loans made (up to £100,000) as a contribution to reserve funds and has a defined liability on the winding-up.

[1] See, for the approved order, S.R. & O. 1936 (No. 1308) II, p. 3514.
[2] See *Journ. Comp. Leg.*, Third Series, vol. xix, pt. ii, p. 9.

The financial assistance for milk, cattle-farming and sugar beet has already been mentioned. The British Shipping (Continuance of Subsidy) Act assists tramp voyages undertaken in 1936. Ships are qualified for the subsidy if they have been on the British register since the beginning of the year (c. 12).

The cotton industry now has its turn. Foreign competition and export restrictions had left Lancashire with equipment greatly in excess of demands. The Cotton Spinning Industry Act (c. 21) contains a plan for scrapping redundant spindles by buying them up out of a compulsory levy on the remaining spindles. A Spindles Board is to administer the scheme, with powers of borrowing. An Advisory Committee assists the Board. Consequential provisions deal with the rendering of returns, penalties for false returns, and the non-disclosure of information obtained under the Act.

Hours and Conditions of Labour.—Two conventions, lately adopted by the General Conference of the International Labour Organization at Geneva, receive effect in the United Kingdom under the Hours of Employment (Conventions) Act (c. 22). One deals with the employment of women in any industrial undertaking, making an exception for women holding responsible positions of management who are not ordinarily engaged in manual work. The other deals with shift-working in continuous operations in sheet-glass works where the machinery is automatic.

Shift-working is also the subject of the Employment of Women and Young Persons Act (c. 24). This enables the Home Secretary to authorize the employing of women and of young persons of sixteen and upwards in shifts averaging not more than eight hours a day, but not before 6 a.m. or after 10 p.m. on weekdays or after 2 p.m. on Saturdays. It supersedes a temporary section in an Act of 1920 which has been continued by the Expiring Laws Continuance Act. The Home Secretary may " by special order " provide for consulting workpeople and ascertaining their opinions by secret ballot before he grants an application for shift-working.

Sunday Trading.—The survival of the Sunday Observance Act of 1677 is a typical English anachronism. Its penalty of 5*s.* for trading on Sunday has been cheerfully paid on Monday mornings in the police courts of towns which it has furnished with a substantial revenue. A new Shops (Sunday Trading Restriction) Act (c. 53) partially supersedes the old law. It closes the shops on Sundays in England except for the sale of food and drink, flowers, fresh fruit and vegetables, chocolates, pictorial postcards and souvenirs, milk, medicines, tobacco, newspapers and certain other things likely to be wanted at short notice. Employees who have to work on Sundays must have a holiday on a week-day instead. There are exceptions for holiday resorts, for the East End of London and for delivery of goods at Christmas time. Shopkeepers who observe the Jewish sabbath, if their premises are registered with the local authority in this connexion, may open till 2 p.m. on Sundays under special conditions, provided that they have not opened on Saturday. Nobody who carries on the business of a shop, or who carries on retail trade in any place not being a shop, on Sunday in accordance with this Act will be taken to offend against the Act of 1677 or other even older statutes. The new Act repeals and replaces as to England the Hairdressers' and Barbers' Shops (Sunday Closing) Act of 1930. It saves the Retail Meat Dealers' Shops (Sunday Closing) Act, passed earlier in the session (c. 30), which has for its object the closing of butchers' shops on Sundays by compulsion—a

result already achieved in some towns by voluntary arrangement. This Act also has its special provisions for *bona fide* Jewish traders, and makes exceptions for delivery to ships or aeroplanes.

Education.—A change not unconnected with employment is the raising of the school leaving age up to fifteen under the Education Act (c. 41). Previously local authorities could keep children longer at school by local by-laws. Now the extra period is to be universally applicable at the "appointed day" (September 1, 1939), subject to a system of exemptions for boys and girls "beneficially employed." In granting these exemptions in the form of "employment certificates," the local authority must satisfy itself of the parents' wishes and, after consulting the local committee for juvenile employment, of the child's health and physical condition and of the prospective benefit. In deciding whether the employment is beneficial, regard must be had to the nature and probable duration, the wages to be paid, the hours of work, the opportunities of further education, the time available for recreation, and the value, in relation to his future career, of any training or other advantage.

School accommodation must be expanded to house the additional classes. Here those who recall the controversies of 1902 will appreciate the measure of agreement visible in 1936. The new Act gives public money to Church schools. Local education authorities can make grants for new Church schools for senior children or for rebuilding and enlarging the old Church schools or voluntary schools. There is to be religious instruction according to an agreed syllabus; there are to be "reserved teachers" who are fit and competent to give it. A conciliatory arrangement allows children to be withdrawn during times allotted to religious observance or instruction if the parents wish them to have teaching of a kind not given in the school and if the local authority is satisfied that proper steps are taken for their attendance elsewhere.

The school age is similarly raised for Scotland subject to exceptions for beneficial employment, by an Education (Scotland) Act which also makes various amendments (c. 42). Old laws applicable to deaf-mute children, for instance, are applied to merely deaf children. Education authorities may now provide vacation schools, play centres and means of recreation during the holidays; they may encourage and co-operate with voluntary agencies for this purpose, and may arrange for holiday or school camps.

Health.—The Public Health Act (c. 49) has already been described as consolidation *plus* amendment. It is a comprehensive rewriting of the English law on sewers and sanitation, nuisances and offensive trades, water supply, the prevention, notification and treatment of disease, hospitals and nursing homes, notification of births, maternity and child welfare, child life protection (reproducing Part I of the Children Act of 1908), baths and washhouses, common lodging-houses and canal boats. The amendments avoid controversy. The exemption of Christian Science homes from the registration and medical inspection applicable to nursing homes is left untouched. On the other hand the old law which forbade mortuaries to be under the same roof as post-mortem rooms is dropped, convenience outweighing sentiment. The influence of a report of the Sea Fishery Commission shows itself in a new section enabling municipal by-laws to regulate the frying of fish without the business being stigmatized as an offensive trade. As suggested by the Departmental Committee on Building By-laws, all such by-laws will in future expire after ten years

unless the Minister by order extends them. Methods in the building trade are constantly changing, and it is thought proper that local authorities should reconsider the relevant regulations from time to time. An interesting feature is the power for the Minister of Health to make orders for amending or repealing anything in a Local Act which seems to him either inconsistent with the new law or now redundant. This vast consolidating Act specifically repeals the many enactments which it replaces. If any of these enactments are wholly or partly re-enacted in any other consolidating statute of this session, an Order in Council may identify the re-enacting provisions as corresponding with the repealed provisions, and thereupon those corresponding provisions shall themselves be repealed.[1]

S. 143 of the Public Health Act, enabling the Minister to take steps to prevent the spread of epidemics and giving him powers over aircraft as well as ships, applies to London and may be applied by Order in Council to Northern Ireland, the Isle of Man and the Channel Islands. Otherwise the Act applies to England only and not to London. The consolidating Public Health (London) Act largely covers the same ground (c. 50). It deals with sanitation, offensive trades, smoke consumption, lodging-houses, public baths and washhouses, and so on. It has its own provisions about smoke nuisance. A group of sections about food includes requirements of notification of food poisoning and the registration of dairymen's names.

Nursing, Hospital Treatment, etc.—The Public Health Act enables local authorities to provide nursing attendance in infectious cases and to subscribe to associations for providing nurses. Midwifery is dealt with by the Midwives Act (c. 40) which aims at securing proper care for the expectant mother in her own home. Local authorities in England will submit schemes to the Minister of Health after consulting local voluntary and medical organizations. They will employ midwives in a whole-time pensionable career and will recover from the patient or her husband (if she or he can afford to pay) the prescribed fees for attendance. The Government will contribute any additional expenditure due to the institution of this service. The existing midwives were of three kinds. There were certificated midwives employed at a regular salary. There were others, also certificated, in independent practice. Lastly there were many women without any qualification, not really trained midwives, but acting under the supervision of a doctor and receiving remuneration from the patients. The Act seeks to abolish this third class. As soon as the Minister is satisfied that adequate arrangements are made for a proper service in any area, he may make an order applying to that area a prohibition upon any unqualified person acting there as a maternity nurse for gain. In addition the Act seeks to reduce the number of midwives working in independent practice. Some will be absorbed into salaried service; others, on surrendering their certificates, will be compensated for ceasing to practice; others again, if deemed incapable "by reason of age or infirmity of mind or body" of efficiently performing their duties as midwives, will be required to surrender their certificates (subject to a right of appeal to the Minister) and will be compensated. The Act also enables the Central Midwives Board to frame rules requiring midwives to attend refresher courses from time to time.

[1] See 26 Geo. V & 1 Edw. VIII, c. 49, s. 346 (2). For the repeal of several sections of the Public Health (London) Act, 1936, by this ingenious device see S.R. & O. 1937 (No. 213) p. 1560.

In addition to the comprehensive provision for nursing homes and hospitals in the Public Health Act and the Public Health (London) Act, the Voluntary Hospitals (Paying Patients) Act enables the older institutions to provide accommodation for patients willing to pay according to their means, notwithstanding the express or implied trusts or the restrictions in Local Acts or charters which often prevented such charges (c. 17). Lord Luke's Bill for this purpose had passed the House of Lords in a previous session and now becomes law with Government support, safeguards having been introduced to secure the objects of the original trusts and the rights of poorer patients. The Act enables the Charity Commissioners to make orders on the application of committees of management ; there will then be power to charge for accommodation and maintenance (including such medical and surgical attendance as is given by the resident staff of the hospital) in accordance with a scale of charges specified in the order. If the new law does not go so far as some of its supporters supposed, it usefully continues a process already initiated by Local Act in particular instances.

Law and Order.—In addition to the consolidating Coinage Offences Act (c. 16) there is a Firearms (Amendment) Act (c. 39), introduced with a promise of consolidation.[1] It is based on the report of a departmental committee presided over by Sir Archibald Bodkin—a report which had framed draft clauses for giving effect to the committee's suggestions. It tightens up the law of firearm certificates and the registration of firearm dealers and revises the definition and classification of weapons and ammunition. The sub-machine gun, allowing continuous fire, is prohibited save where authorized by the Admiralty or the Army or Air Council, and thus is treated like the gas pistol which became a prohibited weapon under s. 6 of the 1920 Act. The 1920 Act exempted smooth-bore shot-guns, air-guns and air-rifles (except air-guns or air-rifles declared specially dangerous by a Secretary of State) and ammunition therefor. The new Act defines " firearm " as any lethal barrelled weapon of any description from which a shot, bullet or other missile can be discharged : the word is to include a prohibited weapon whether it be such a lethal weapon or not, any component part of a lethal or prohibited weapon, and any accessory, designed or adapted to diminish the noise or flash of firing. The smooth-bore gun with a barrel less than 20 inches long is still exempt ; if the barrel is cut down, it is a " firearm," and it now becomes an offence for anyone but a registered firearm dealer to shorten the barrel of a smooth-bore gun to less than 20 inches or to convert a dummy pistol into a firearm. Pistols with solid or plugged barrels, used as toys or for starting sporting events or for theatrical purposes, had been easily bored and converted into lethal weapons by irresponsible or criminal persons. The stricter definition of ammunition ensures control of all ammunition except shot cartridges below a specified diameter of pellet, blank cartridges and ammunition for air-guns, air-rifles and air-pistols.

Aviation.—The Air Navigation Act (c. 44) breaks fresh ground in many directions. In the new provisions for the grant of subsidies Parliamentary control is promoted by a stipulation that all agreements shall be laid before both Houses and be subject to annulment on adverse resolution within 14 days. To an Air Registration Board (representative of the interests of civil aviation and containing two official nominees, one " an independent person " and the other a practical pilot) the Secretary

[1] Redeemed in 1937 : see 1 Edw. VIII & 1 Geo. VI, c. 12.

of State for Air may by order delegate jurisdiction over matters of design, construction and maintenance. Regulations made under s. 418 of the Merchant Shipping Act may be made for preventing collisions at sea between seaplanes on the surface of the water or between vessels and such seaplanes. Similar steps are taken as regards signals of distress and urgency. In other respects a seaplane on the water in harbour or dock-yard port will be controlled as if it were a ship. Operators of air transport undertakings and holders of licences for customs aerodromes must furnish particulars about the use of aircraft or aerodromes and the personnel employed. The information will be treated as confidential. Prospective provision is made for the licensing of commercial flying by an Order in Council to be laid in draft before Parliament and approved by a positive resolution of both Houses. Orders in Council and regulations may provide for detention of aircraft infringing their directions. A group of sections deals with local authorities' powers. They may acquire land compulsorily for aerodromes; this replaces a temporary power annually continued. The land must not be used for any other purpose without the Air Ministry's consent. Metropolitan borough councils may establish aerodromes. Trespassing at licensed aerodromes is punishable if members of the public could readily see and read warning notices on the boundary. The owner of an aerodrome may install "works and apparatus" for lighting or otherwise marking buildings or structures in its vicinity which may be dangerous to air traffic. The Secretary of State must be satisfied of the danger and the owner can go to arbitration.

As with motor traffic, so with air traffic, there is to be compulsory insurance against third-party risks. The hirer of aircraft let to him for 14 days or more will be deemed the owner. Liability for damage to persons or property on land or water, anyone in (or by anything or anybody falling from) aircraft while in flight, taking off or landing, is limited in accordance with the Gorell Report and the Rome Convention. A scale of limits for damage from different types of aircraft, balloons, gliders and so on, is set out in the second schedule. As the Law Reform (Miscellaneous Provisions) Act, 1934 (which relates to the survival of causes of action) does not apply in Northern Ireland, equivalent provision is now enacted in this connexion. Perhaps the most important of the remaining sections is one which transfers to the Secretary of State the functions of the Air Council as to civil aviation. The Secretary of State sometimes acts as such and sometimes as President of the Air Council. In future the Air Council, by analogy with the Army Council, has charge of the military side. This regularizes what is understood to have been the recent administrative practice.

Finance.—The Chancellor of the Exchequer's Budget, embodied in the annual Finance Act (c. 34), raises the tea duty, prolongs the stabilization of the rates of Imperial preference and extends for another ten years Part I of the Safeguarding of Industries Act, 1921, which deals with key industries. Arc-lamp carbons and certain other goods and metals are added to the 1921 schedule of things chargeable with duty. Power is given to remove or reduce additional import duties on iron and steel by means of Treasury orders made on the recommendation of the Advisory Committee and after consulting the Board of Trade. The power to add goods to, or remove goods from, the free list by Treasury order may be exercised for specified periods, continuous or otherwise. Goods imported for scientific research or for advancement of learning or art or for

promoting sport and not for any commercial purpose may be imported free of duty under licence from the Treasury. There are adjustments of the mechanically propelled vehicles duty. A rise of 3*d.* in income tax (to pay for national defence) is accompanied by improved allowances for married persons and deductions for children. Inevitably intricate sections attempt to check tax evasion by people resident in the United Kingdom who transfer property to persons abroad and by one-man companies. Income settled on children by way of educational trusts is also to have less chance of escaping tax. Minor amendments of death duties deal generously with property sold to the "Friends of the National Libraries" and with land given to the National Trust for Scotland. Money from motor taxation has hitherto gone into the Road Fund to be disposed of for various highway purposes. Henceforth these taxes will, like others, be paid direct into the Exchequer, sums being paid into the Road Fund on House of Commons votes in the traditional way.

The Isle of Man (Customs) Act (c. 45) is in line with the Finance Act. There are also the usual Consolidated Fund and Appropriation Acts (cc. 8, 11 and 37). The Public Works Loans Act has this year to make the quinquennial appointment of new Commissioners (c. 5).

Registration of Land.—The compulsory registration of land under the 1925 Act was not to be extended beyond the county of London, except on the request of a county council, for ten years. The period having now expired, the late Lord Tomlin's Land Transfer Committee recommended extension to the county of Middlesex. This step is taken by a new Land Registration Act (c. 26). The old Middlesex Deeds Registry, instituted by an Act of 1708, is abolished from the date when an Order in Council under the 1925 Act makes registration compulsory in the county.[1] Another Tomlin Committee (on dormant funds) had examined the position of the insurance fund set up under the Land Transfer Act, 1897, and fed with fees on registration. It now amounted to nearly half a million and was hardly required since the 1925 Act gave a guarantee backed by the Consolidated Fund itself. As the committee advised, the insurance fund is continued but is limited to £100,000, the balance going to reduce the national debt.

Crown Lands.—One object of the Crown Lands Act (c. 47) is to vest in the Commissioners of Works an area between Whitehall and the Thames on which new Government offices are destined to stand. The Act also empowers the transfer of Crown Lands to the Forestry Commissioners by Order in Council, and enables the Crown Lands Commissioners to make regulations for preserving order and preventing abuses on any land which they manage where the public is allowed access from time to time, *e.g.* Windsor Great Park. Other provisions deal with the management of the Royal Botanic Gardens at Kew and certain land in Regent's Park.

Tithe Redemption.—In the hope of finally settling a long controversy the Act of 1925 stabilized tithe rent charge at £105. A sharp fall in agricultural prices and friction in collecting tithe created fresh trouble. Another Royal Commission advised the complete extinction of tithe rent charge by a redemption scheme and the reduction of the stabilized value of £105 to £91 11*s.* 2*d.* The Tithe Act, 1936 (c. 43) carries out these recommendations. The Exchequer buys from existing rentcharge-owners their interest in that property: it recompenses them by the issue of 3 per cent. Tithe Redemption Stock redeemable at par in 60 years.

[1] January 1, 1937: see S.R. & O. 1936 (No. 689) I, p. 1538.

A Tithe Redemption Commission is set up and also an Arrears Investigation Committee. Two million pounds are made available to mitigate the consequent reduction of clerical stipends. Financial relief is also offered to the local authorities who will lose income from rates. Yet there is to be no fresh charge on the tax-payer; nicely balanced savings and additional revenue are somehow made available. The technical production of the Act is a *tour de force*. It repeals various enactments but does not touch gated or stinted pasture or common rights. The extent of these mysteries is obscure.

Professional Regulation.—The law about solicitors, rewritten in 1932, is rather heavily amended by a new Solicitors Act (c. 35). Solicitors may now not take an articled clerk till they have been in practice for five years, unless the Law Society gives special leave. Before becoming bound by articles of clerkship the would-be solicitor must give the Society evidence of his character, fitness and suitability for service. The Registrar must not register any articles without proof that the Society has been satisfied. The Society may discharge articles if during their term either the solicitor or the clerk has been continuously absent for three months or for any other sufficient reason. Where an articled clerk has passed certain examinations, his term of service may be reduced. There are other provisions about exemption from the preliminary examination; knowledge of Latin, for instance, becomes indispensable. Minor amendments in the language of the 1932 Act are made in view of the passing of the Solicitors (Scotland) Act, 1933, which used the word "solicitor" in lieu of the previous name "law agent."

Miscellaneous.—The Health Resorts and Watering Places Act enables urban authorities in Great Britain to spend money (up to a rate of $1\frac{1}{8}d.$ in the pound) in advertising their amenities and advantages (c. 48). Its terms are wider than those of the 1921 Act which it replaces.

The titles of the Pilotage Authorities (Limitation of Liabilities) Act and the Petroleum (Transfer of Licences) Act are self-explanatory. The former (c. 36) cuts down the hitherto unlimited liability to a total of £100 for each pilot licensed in the area. Benefit funds are not to be liable. The latter (c. 27) remedies an omission in an Act of 1928. On a change of ownership of the premises where petrol is kept, the local licensing authorities have not hesitated to transfer the licence. The legality of the transfers was questionable because the 1928 Act does not expressly authorize them.

Other omissions are revealed in the Road Traffic (Driving Licences) Act (c. 23). The would-be driver of a heavy goods vehicle could not obtain the heavy goods licence for driving it till he had passed the appropriate test. He could not drive the heavy vehicle at all till he had passed the ordinary test which he could take only on an ordinary vehicle. A second anomaly is that the test system involves different tests for driving a motor-cycle and driving a motor-car. But the law did not prevent the motor-cyclist, if of full age, from obtaining a driving licence for any kind of car or lorry as soon as he had passed a test on his motor-cycle.

A judicial decision accounts for the Electricity Supply (Meters) Act. In 1899 the Electric Lighting (Clauses) Act had provided for "electric inspectors" who would certify the accuracy of meters within the prescribed limits of error and would approve the pattern, type and construction of meters for this purpose. As local authorities had not always appointed these inspectors, thousands of meters had been installed without official certificate though doubtless most of them were of approved

pattern. Where the customer disputed the reading of the meter, as in *Joseph* v. *East Ham Corporation*,[1] the court held that an uncertified meter was not a legal instrument for registering or measuring the sale of current. The new Act (c. 20) takes the common-sense course of deeming the existing meters to be accurate; if disputed, the figures registered are not to be final or conclusive evidence till an official examiner has decided in the meter's favour. These meter examiners are to be appointed by the Electricity Commissioners; they will have the powers which the 1899 Act gave to the electric inspectors. As for the examination of new meters installed in future, the undertakers who supply electricity will have to furnish and maintain suitable apparatus for testing and regulating meters and must allow the examiners to use it.

A new Weights and Measures Act (c. 38) deals with sand and ballast, to prevent the abuses of short weight and pilferage in transit. Sand and ballast are to be measured only by weight or by the cubic yard. Receptacles for measuring these materials must conform to Board of Trade regulations and must be verified and stamped as accurate. Where material is sold or carried by weight, the vehicle must be marked with its tare weight; where it is sold or carried by the cubic yard, the vehicle must be calibrated. Finally the man in charge of the vehicle must carry a conveyance note showing the quantity. Inspectors can examine vehicles and check the contents. A Weights and Measures, Sale of Coal (Scotland) Act (c. 54) applies Part II of the Weights and Measures Act of 1889 to Scotland. This means that sale of coal will be by weight and that frauds can be more easily checked. The new law has special provision for cases where counties and boroughs had already obtained similar legislation by local Act. Aberdeen, as it happens, obtained it simultaneously.[2]

Local and Private Acts.—There were 131 Local, and no Private, Acts in the session. Gas, water and electricity supply, railways and other forms of transport, harbours and docks—all the usual features of local legislation are present. The powers and facilities conferred by these *privilegia* embrace things great and small, an aerodrome for Birmingham, a crematorium for Mortlake, new arrangements for the Government of the Foundling Hospital, the incorporation of a body of Conservators to regulate the classic scene of Epsom Downs, authority for Brighton to convey land to the National Trust or for Surrey to declare that land acquired for preserving the county's natural amenities shall be preserved *in statu quo* and be inalienable. On all sides there is some novel advance beyond the general law. If the experiment succeeds, it may be universally applied later. Guides and marshals can be employed for children attending schools in Liverpool. Gorse may be cut on unfenced lands to prevent fires in Surrey. Surrey and Dundee have clauses to lessen danger from disused petroleum storage containers. There is provision against the nuisance of false calls for ambulances in London. The London County Council obtains powers for the central purchasing and storage of goods and materials in agreement with other local bodies. Progress in public health provides precedents sure to be copied elsewhere. Rain-water tanks, for instance, must not be placed in dwelling-houses in Coventry without consent of the local authority. At Ilfracombe *impetigo contagiosa*

[1] [1936] 1 K.B. 367: see the observations of Lord Roche, Lords Debates, 1936, March 24, pp. 173–4.

[2] 26 Geo. V & 1 Edw. VIII, c. lxxviii, Part 8.

is included among infectious diseases in respect of which a child may be kept away from places of public entertainment or assembly.

Church Assembly Measures.—The measures framed under the Church of England Assembly (Powers) Act, 1919, take shape in their progress through the ecclesiastical legislature and receive the Royal Assent as soon as both Houses of Parliament have passed an approving resolution. There are five measures in the session under review. Two deal with clergy pensions, one of them establishing a scheme of pensions for widows and dependents. The Union of Benefices Measure amends a process governed by a principal measure of 1923 and becoming more necessary as new centres of population are created by slum clearance and other housing developments. The commissions of inquiry which report upon the expediency of uniting two parishes are given a slightly larger membership with the idea of emphasizing their impartial character.[1] When they report, they are to " have due regard to the interests of religion generally as well as to the circumstances and claims of the parishes affected by the inquiry "—words which owe their origin to recent judicial decisions. The Cathedrals (Houses of Residence) Measure deals with the houses of resident deans and canons of cathedral churches. Some of these buildings with their adjacent gardens are too large for their present occupants or otherwise not well suited for present needs. The new law prescribes the special consents necessary before the houses, often of " historical, archæological or artistic interest," can be demolished or disposed of. When there is a sale, the purchase money must go to the benefit of the cathedral chapter. Lastly, the Ecclesiastical Commissioners (Powers) Measure puts new financial responsibilities upon the Commissioners and their " common fund." They may make grants, up to £10,000 yearly, to help the formation of a Central Loan Fund for providing new churches or parish halls in populous parishes. They may also make schemes for re-endowing certain scheduled bishoprics, taking over the investments and substituting a fixed income ; and they may augment the income of the re-endowed sees up to the sum of £3,000 a year. Thus the Acts of Parliament dealing with the powers of the Ecclesiastical Commission are once more complicated by Church Assembly Measure.

Delegated Legislation.—In the calendar year 1936 the total of Statutory Rules and Orders registered is 1417. This is slightly higher than in some recent years but still below the average of the five years before the war. Aviation, customs (additional import duties orders, etc.), education, housing, traffic regulation and State insurance against health and unemployment are among the familiar subjects. The Aden Colony Order, showing the severance of Aden from British India, the Palestine (Defence) Order in Council, rules for Borstal institutions, measures for dressing cattle infected with the warble fly or for the notification and treatment of fowl pest, a new Inland Post Warrant and the order (already mentioned) which brings private gardeners within the Unemployment Insurance Act—these are among the miscellaneous contents of two stout volumes. The unusual bulk of the latter, it may be added in conclusion, is not due to any sinister increase in bureaucratic law-making but to three new codes of procedure, namely those for county courts in England, the Court of Session in Scotland and the Supreme Court in Northern Ireland. If these three " S.R. & O." take up nearly half the bulk of the two volumes, they revoke an even greater bulk of less simply stated law.

[1] See the observations of Lord Tomlin, [1934] A.C. p. 118.

2. JERSEY.

[*Contributed by* C. W. Duret Aubin, Esq., *H.M. Attorney-General for Jersey.*]

During 1936 twelve Acts of the States were sanctioned by His Majesty in Council and became law, and three Orders of His Majesty in Council were registered in Jersey and placed upon the Statute Book.

Of those fifteen measures the following seven are the only ones containing any element of general interest.

Secondary Education.—By L54 the Mandatories of the School Trust (Jersey) Limited were empowered to sell to the States of Jersey the property known as the " Jersey College for Girls " (originally known as the " Jersey Ladies College ") free of a restrictive covenant which provided that that educational establishment should be administered in accordance with the " Evangelical principles of the Anglican Church." This legislation was necessitated by the acquisition of the School by the States which, under the Insular Law on Public Instruction, is bound to administer educational establishments under its control undenominationally.

Law Officers of the Crown.—By L63 the Attorney-General, who hitherto had been entitled to practise privately, was debarred from such practice and was restricted to public work, the emoluments of that office being adjusted accordingly. The Solicitor-General remained entitled to practise privately.

Workmen's Compensation (Accident Insurance).—By L67 the Law of 1935 in this connexion was amended in order to avoid the duplication of contributions and benefits in the case of sailors and airmen, and to that end it was provided that the Law of 1935 should not apply to any seaman or airman who might be entitled to claim compensation in the United Kingdom under ss. 35 and 36 of the Workmen's Compensation Act, 1925 (15 & 16 Geo. V, c. 84), or any amending Act.

Electricity.—By Law 73 the States were empowered to raise a loan of £180,000 in order to acquire the whole of the Ordinary Share Capital of the Jersey Electricity Company Limited, and thus to obtain an absolute control of that essential public service company.

Merchant Shipping.—An Order of His Majesty in Council intituled " The Merchant Shipping (Helm Orders) Order, 1935," was registered (L58), applying to the Island the provisions of s. 29 of the Act of Parliament intituled " The Merchant Shipping (Safety and Load Line Conventions) Act, 1932 " (22 Geo. V, c. 9). The Order, as its title indicates, relates to Helm Orders.

Air Navigation.—An Order of His Majesty in Council intituled the " Air Navigation (Jersey) Order, 1936 " was registered (L66), amending the " Air Navigation (Jersey) Order, 1928." The Order amended Schedule IV to the Appendix to the Principal Order in relation to the obligation of pilots of aircraft to make certain reports to the Officers of H.M.'s Customs and Excise and to the States Customs Officer by removing the obligation to report to the former.

Privy Council Rules.—An Order of His Majesty in Council was registered (L68), further amending, as from April 23, 1936, the provisions contained in Part I of Schedule C to the Judicial Committee Rules, 1925, for regulating the Practice and Procedure in Appeals and other matters

before the Judicial Committee of the Privy Council, as amended by Order in Council of August 8, 1932, relating to the fees allowed by that Schedule to Agents conducting Appeals and other matters before the said Judicial Committee.

3. NORTHERN IRELAND.

[*Contributed by* Sir Arthur S. Quekett, K.C., LL.D.]

In the third session of the Fourth Parliament of Northern Ireland (November 26, 1935, to November 12, 1936) thirty-three public general Acts became law, including two passed before the end of the year 1935, which were noted in the *Review of Legislation* for that year.

Local Government Finance and Rating.—The Local Government (Finance) Act, (c. 10) makes various adjustments in the Parliamentary grant payable under the derating system. An Act of 1929 (20 Geo. V, c. 10) had initiated that system, under which there was given a total exemption of agricultural land and buildings from rates, and a relief from rates in respect of a percentage of the apportioned valuation of industrial and freight-transport hereditaments. An annual grant out of voted moneys —" the deficiency contribution "—is paid towards making good the resulting decrease in the revenues of the local authorities. According to the 1929 Act the deficiency contribution payable to an urban authority was to be a sum equal to the deficiency on account of rates due to derating in the area of the authority; the 1936 Act places an upward limit upon the amount of this contribution. The 1929 Act provided, in the case of county local authorities, that the deficiency contribution should be made up of two parts, namely—an annual " standard grant " to be fixed from time to time for periods of five years, and an annual " supplemental grant " in respect of expenditure greater than an ascertained standard expenditure. As regards the county local authorities, the amending Act provides that the annual standard grant is to be of an amount permanently fixed, and that the amount of the supplemental grant shall be ascertained for each year. Under the 1936 Act there is an additional Parliamentary grant called the " revaluation contribution," equivalent to 80 per cent. of the amount which, apart from that contribution, the county local authorities would lose on the head of the deficiency contribution, by reason of the effect of the first general revaluation made in pursuance of the Valuation Acts Amendment Act of 1932 (21 & 22 Geo. V, c. 26). A part of the benefit of the revaluation contribution is applied to certain boroughs and urban districts. The Act of 1936 amends the derating system in some other respects. Agricultural land and buildings used for the public service are to be treated as though they were derated and are to be taken into account for the purposes of the derating grant, thus substituting that grant for the Government bounty in lieu of rates; the Freight Rebates Fund is abolished, so as to leave the benefit of the rate relief on freight-transport hereditaments at the disposal of the transport undertakers; provision is made for an interim revision of valuation and rating in the case of industrial hereditaments. The Act includes also an amendment of the Public Health (Ireland) Acts, with the effect that the expenses of public lighting in a rural district become district charges instead of being separate charges to be raised off some area less than the rural district.

The Revaluation (Consequential Provisions) Act (c. 11) is an exceptional measure. The substantial increase in the valuation of rateable

property which followed from the first general revaluation would, in the absence of legislation, have raised difficulties as to various enactments and instruments which operated by reference to specified valuations or specified poundage rates. The fact that the increase in valuation was of such an extent as to require consequential legislation was due to the conditions which existed prior to the coming into force of the Revaluation Act. In the basic statute of 1852 provision had been made for keeping the valuation up to date after it had been originally ascertained. That provision was not effectively put into force, and the general result produced was that since 1852 (with the exception of Belfast, which was revalued in 1900–1906) properties which had appreciated in value, apart from structural alterations or additions, had escaped revision of valuation. The Consequential Provisions Act of 1936 is intended to ensure that the general effect of former enactments and instruments, framed with reference to a level of valuation now obsolete, will, as far as possible, be undisturbed. The rating qualifications for jurors, and for certain harbour commissioners and their electors, are altered so that the new qualifications correspond, as nearly as may be, to the qualifications which were required before the general revaluation. The Act contains a declaration that the Rent Restriction Acts shall continue to apply to the dwelling-houses and mortgages to which they applied before the revaluation came into force. Changes are made in certain liquor licence duties depending on the valuation of the licensed premises, with the object of leaving the aggregate amount of the duties undisturbed. The limits on the rates for public libraries and on the levy for the General Cattle Diseases Fund are reduced. The Act also deals with several enactments which lay down that local rates on small houses of specified valuations are to be paid by the owners instead of the occupiers ; it increases these valuations so that the enactments may continue to apply to the same class of houses. Provision is made, as regards leases which contain a clause restricting the lessee from building houses of less than a certain valuation, so that the valuation may be altered either by agreement or by reference to the Commissioner of Valuation, with an appeal to the County Court. The Act legislates for cases where agreements entered into by tenants under the housing schemes of local authorities require that the tenant should bear the whole or part of any increase in the poundage of the local rates. The value of certain hereditaments which for derating purposes are to be treated wholly as industrial hereditaments is raised.

Housing Facilities.—In the year 1933 an Act had been passed for continuing the Government subsidy at the rate of £25 per house and making that grant conditional upon the giving by the local authority of a sum of equal amount or a ten years' exemption from local rates. By the Housing Grants Act (c. 4), the date for the termination of these facilities was fixed as October 1, 1936 (subject to a continuance for a further six months in some particular cases).

Rent Restriction.—Under the Rent Restrictions Acts dwelling-houses of £26 rateable value or below were to remain under control until May 1, 1936. The Rent and Mortgage Interest (Restrictions) Act (c. 8) extends that period by four years.

Employment of Women and Young Persons.—The object of c. 28 is to improve the procedure for authorizing the industrial employment of women and young persons over sixteen years of age on the two-shift system. The previous law was contained in s. 2 of an Act of 1920 (10 &

11 Geo. V, c. 65) which was passed at Westminster, for an experimental period of five years, and was continued in operation in Northern Ireland year by year. The working of the 1920 enactment had been subjected to careful watching. In Great Britain it was examined by a representative committee, who recommended that the power to authorize the two-shift system should be continued, subject to certain modifications of the procedure for authorizing the adoption of the system. Legal effect was given to these recommendations at Westminster, and, as respects Northern Ireland, c. 28 makes similar provision. Under the former Act, the authority was obtained by a joint application of the employer and a majority of the workpeople; the later Act provides that the employer shall make the application, and that a secret ballot of the workpeople is to be held before the Ministry of Labour grants the application. The hours for each shift are not to exceed on an average eight hours per day. The times between which a shift may be employed are limited—(*a*) in Great Britain, to times during the period between 6 a.m. and 10 p.m., (*b*) in Northern Ireland, to the hours agreed upon by employers and workpeople, which are subject, of course, to the general limitation of the "Night Work Conventions."

One result of the measure is that the Factory Code continues to be uniform throughout the United Kingdom. Regard is thus paid to the close industrial connexion between Great Britain and Northern Ireland.

Unemployment.—The Unemployment (Agreement) Act (c. 3) gives effect to an agreement made between the Treasury of the United Kingdom and the Northern Ireland Ministry of Finance with a view to assimilating the burdens on the Exchequers of the two countries in respect of unemployment. By this agreement the previous agreements of 1926 and 1929 were superseded. The purpose of the previous agreements was to assimilate the Exchequer burdens in connexion with Unemployment Insurance by providing that the Unemployment Funds of the two parts of the United Kingdom should be kept in a state of parity on the basis of insured populations by means of additional Exchequer grants to the poorer fund, and that a substantial part of the extra burden so placed upon the Exchequer of the area to which the poorer fund belongs should be spread over the tax-payers of the United Kingdom as a whole.[1] The 1936 agreement follows the same general lines as the previous agreements, the chief points of difference being as follows: (*a*) The 1936 agreement covers Unemployment Assistance as well as Unemployment Insurance, by reason of the Unemployment Acts passed in both countries in 1934; (*b*) Under the earlier agreements, the payment from one Exchequer to the other is the equivalent of $\frac{3}{4}$ of the sum required to equalize the payments out of each Exchequer into their respective Unemployment Funds in proportion to total population. Under the later agreement, the proportion is based, in the case of Unemployment Insurance, on the population insured against unemployment, and, in the case of Unemployment Assistance, on the populations coming within the schemes for Unemployment Assistance; (*c*) Under the former agreements, the contribution, when payable from the United Kingdom Exchequer to the Northern Ireland Exchequer, was 75 per cent. of the sum required to equalize per head of total population the Exchequer payments into the respective Unemployment Funds. Under the 1936 agreement, the contribution of 75 per cent.

[1] See *Journ. Comp. Leg.*, Third Series, vol. x, pt. ii, p. 24, and vol. xiii, pt. ii, p. 19.

is subject to a progressive reduction if the unemployment percentage in Northern Ireland falls to 19 per cent. or below, and no contribution at all is payable in any year in which that employment percentage is under 8 per cent; (*d*) The 1936 agreement provides for the liquidation of the "excess debt" of the Unemployment Fund of Northern Ireland at the rate of £40,000 a year, this annual payment, together with interest on the outstanding balance of the "excess debt," being included as expenditure from the Northern Ireland Fund for the purpose of calculating the contribution to that Fund from the Northern Ireland Exchequer.

By the Unemployment Insurance (Agriculture) Act (c. 13) employment in agriculture is included among the employments which are insurable under the Unemployment Insurance Acts. The Act, however, makes modifications in the provisions of the Unemployment Insurance Acts in their application to agricultural employments. The weekly contributions from the employed person and the employer are fixed at lower rates, ranging from 4½*d.* down to 1*d.* per week. The weekly rates of agricultural benefit are also lower, 14*s.* being the amount in the case of men, 12*s.* 6*d.* in the case of women, with smaller amounts for juveniles. Dependents' benefit is 7*s.* a week for agricultural workers instead of 9*s.* Special regulations may be made to cover the case where a contract is in force for the employment of a person in agriculture for a period of yearly or half-yearly hiring. The employment of a person as a private gardener is made an excepted employment for the purposes of the Unemployment Insurance Acts, subject to its inclusion within the insurable employments in agriculture by means of an Order of the Governor in Council, if the like inclusion has been effected under the legislation in force in Great Britain. An Order in Council for that purpose has in fact been made.

Pending the fixing of the "second appointed day" for the purposes of Unemployment Assistance, temporary legislation was necessary to regulate the grants to be paid to local authorities to compensate them for the delay in transferring the burdens in respect of Unemployment Assistance from the local rates to the Unemployment Assistance Fund; c. 5 was passed with this object in view.

Marketing of Eggs.—C. 20 extends the provisions which had been made from time to time since the year 1924 for regulating the marketing of eggs. The Act empowers the Ministry of Agriculture, upon the advice of a Committee established by the Act, to determine the prices and terms for the purchase of eggs by licensed wholesale dealers in eggs. It requires that eggs sold by retail shall be sold according to descriptions of quality—either as "new laid eggs" or as "second eggs." It also introduces a provision requiring sellers of eggs by retail to obtain licences from the Ministry of Agriculture.

Milk Regulation.—The Milk and Milk Products Act (c. 14) makes some changes in the financial arrangements of the principal Act of 1934 (24 & 25 Geo. V, c. 16). In particular, an amendment became necessary when the Milk Industry Assistance Grant (received from the United Kingdom Exchequer) was extended for a further period of eighteen months.

Game Laws.—The Close Seasons (Amendment) Act (c. 27) was introduced by a private member in the Senate, and became law after some amendment. It alters the days between which partridge, snipe and woodcock may not be killed, and gives a special three years' close season to partridges.

The International Tourist Trophy Motor Race.—This race was held in

Northern Ireland as in previous years, and the usual Act (c. 15) was passed to regulate admission to the Race Area.

Statistics of Population.—By the Census Act (c. 25) a census "with respect to all living persons in Northern Ireland" was authorized to be taken on Sunday, February 28, 1937, or such other Sunday as might be fixed by Order in Council. The census was to be in charge of the Registrar-General under the superintendence of the Ministry of Finance. The last previous census had been taken in the year 1926 under an Act passed in 1925; the 1936 statute is for the most part based upon that of the earlier year. The 1936 Act also authorizes the Registrar-General, under the direction of the Ministry of Finance, to collect and publish statistical information until another census is taken; this provision is the statutory basis of the *Ulster Year Book*.

Electricity Board.—This Board is a public authority set up by the Electricity Supply Act of 1931.[1] That Act empowered the Ministry of Finance to give a guarantee, falling upon the Consolidated Fund of Northern Ireland, in respect of the interest and principal of loans raised by the Electricity Board, with a proviso that a guarantee so given should remain in force only for a period of five years after the establishment of the Board. By c. 16 this proviso is repealed.

Loans Guarantee Acts.—C. 17 amends these Acts, under which the Ministry of Finance may give guarantees in respect of loans for undertakings calculated to promote employment in Northern Ireland. Previously the maximum limit of the guarantees was £13,000,000, this figure being related to the net amount outstanding, after taking into account guarantees which have ceased to operate and repayments to the Exchequer in respect of sums previously paid out in fulfilment of guarantees. The Act of 1936 puts this limit up to £14,500,000, and also makes a further extension of the time within which the power of giving guarantees can be exercised.

Canals and Inland Navigations.—From time to time canal undertakers, when considering whether to ask for powers to carry out some relatively minor work of improvement, had been deterred by the expense involved in the promotion of a Private Bill in Parliament. The object of the Canals and Inland Navigation Act (c. 12) is to simplify procedure by enabling canal undertakers to make application for a Provisional Order for the purpose of repealing, altering or amending any local or private Act of Parliament relating to the undertaking. For the procedure by way of Provisional Order there was ample precedent in the Public Health Code and in the statutes relating to piers and harbours. The applicants are required to give public notice of what they propose to do by way of Provisional Order. Where there are any objections, the Ministry of Commerce is empowered to appoint a competent and impartial person to hold a public inquiry, and after that stage has been reached a Provisional Order can be made by the Ministry. Before the Order comes into effect, it must be embodied in a confirming Bill and submitted to Parliament, where any interested party may petition against the Order.

The Act of 1936 also provides a procedure for an application for a classification of merchandise traffic or for the fixing of maximum tolls and charges. Where an Order is sought for this purpose, the application therefor and the holding of an inquiry are to be governed by the provisions of the Act relating to Provisional Orders, but any Order made on such an

[1] See *Journ. Comp. Leg.*, Third Series, vol. xv, pt. iii, p. 18.

application does not require confirmation by Parliament. The Act repeals the Canals (Continuance of Charging Powers) Act, 1925, for the continuance of which it had been necessary to make annual provision in the Expiring Laws Continuance Act.

Financial Administration.—The Northern Ireland House of Commons in its first Session (December, 1921) voted the modest sum of £50,000 to provide for the establishment of a Civil Contingencies Fund. The House has from year to year ordered that there shall be laid before it a copy of the year's account of the receipts and payments of the Fund, together with the report of the Comptroller and Auditor-General thereon. In the Exchequer and Financial Provisions Act (c. 7) provision is made to increase the amount of the Fund to £100,000. The same Act provides for the annual preparation of an account of the Fund, for the audit of the account by the Comptroller and Auditor-General, and for its submission to the House of Commons. It is thus no longer necessary for an order to be made with respect to the accounts of each financial year.

By the Exchequer and Financial Provisions (No. 2) Act (c. 29) a change was made as regards the use of the " Capital Fund." This fund owes its origin to the apportionments of capital moneys made when a separate administration first came into being in Northern Ireland. It was composed of the Northern Irish share of Irish funds held for particular services (*e.g.* agricultural development, etc.). The Act of 1923 (13 & 14 Geo. V, c. 4) made provision that these services should be financed by means of the annual Votes, that the apportioned moneys should be transferred to a " Capital Fund " and that the income of the fund should go to the Exchequer. Under a later Act (20 & 21 Geo. V, c. 17) the Capital Fund became a sinking fund to be accumulated for the extinction of the " excess debt " on the Unemployment Fund of Northern Ireland. The need for this arrangement ceased on the making of the agreement which was confirmed by c. 3 (noted above in this review), because that agreement provides for the liquidation of the " excess debt " by annual payments to be made out of the current account of the Unemployment Fund. Accordingly, s. 1 of c. 29 provides that the income of the Capital Fund shall again be paid to the Exchequer, whilst the fund itself may be used for advances to the Exchequer, authorized capital liabilities and contributions (in certain circumstances) to the Land Purchase Annuities Sinking Fund set up by the Act of 1923.

Taxation and Revenue Matters.—The Finance Act (c. 33) contains ten provisions, but only one of these imposes taxation. S. 1 extends the Hawkers Act, 1888, so as to impose a £2 excise licence duty upon hawkers who use mechanically propelled vehicles. Ss. 2 and 3 make amendments in the law as to excise duties on refreshment house and liquor licences. The object of s. 4 is to safeguard the discharge of death duties in cases where money in a bank stands in the name of two or more persons and one of those persons dies ; in such a case, the banker is forbidden to pay the money to the survivor of the deceased, or to any other person, until there is furnished to the banker either a certificate of the Ministry of Finance that there is no outstanding claim for death duties, or a consent of that Ministry to payment of the money pending the ascertainment and discharge of death duties. S. 5 modifies the exemption from estate duty on property situate outside Northern Ireland, so far as it relates to any such property passing on the death of a person dying domiciled in Northern Ireland. Ss. 6, 7 and 8 give relief or exemption from estate duty—(*a*)

in certain cases where estate duty has been paid in Great Britain; (*b*) in the case of land given to the National Trust for Places of Historic Interest or Natural Beauty; and (*c*) in the case of pensions payable out of the Indian Family Pension Funds vested in Commissioners by Order in Council under the Government of India Act, 1935.

S. 9 reintroduces the system of "particulars delivered" which was first set up for the purpose of the increment value duty imposed by the Finance (1909–10) Act, 1910. The Northern Ireland enactment requires the presentation of particulars to the Ministry of Finance in cases of transfers and lettings of land, in order that the particulars may be available for use in connexion with taxation and the valuation of rateable property. S. 10 applies the ordinary summary jurisdiction procedure to revenue cases, thus corresponding to s. 34 of the Finance Act, 1935, passed by the Imperial Parliament.

The Finance (Companies' Stamp Duty) Act (c. 23) amends the provisions of the Finance Act, 1928, relating to relief from capital stamp duty and transfer stamp duty in the case of reconstructions or amalgamations of companies. The Act also grants relief from transfer stamp duty in the case of the transfer of property as between associated companies.

Consolidation of Statutes.—A group of three Acts (cc. 30, 31 and 32) effected the consolidation of the enactments relating to unemployment insurance; widows', orphans' and old age contributory pensions; and non-contributory old age pensions. The commencement of each of these statutes was fixed for January 1, 1937. The same day had been chosen for the coming into operation of the National Health Insurance Act, 1936, which was passed by the Imperial Parliament for general application throughout the United Kingdom and consolidated the enactments relating to national health insurance in Northern Ireland. Thus there was brought out an up-to-date edition of the then existing law relating to the principal social services in this country.

4. IRISH FREE STATE (SAORSTÁT ÉIREANN).

[*Contributed by* A. Denis Pringle, Esq., *Barrister-at-Law.*]

Public Acts passed—58.

Constitution.—Several highly important amendments were made in the Constitution during the year, two of them being of purely domestic interest, and two of far wider significance. The Constitution (Amendment No. 23) Act (No. 17) makes the necessary amendments consequential on the termination of the separate representation of the Universities in Dáil Éireann. Under Art. 27 the University of Dublin and the National University of Ireland were each entitled to three representatives in the Dáil, and by this Act this Article is removed from the Constitution. The Constitution (Amendment No. 24) Act (No. 18) abolishes the Senate as a constituent house of the Legislature and deletes all references to that body from the Constitution.

The Constitution (Amendment No. 27) Act (No. 57) is a simple-looking Act consisting of two sections, but its effect is to remove from the Constitution all references to the King and the Representative of the Crown. Under Art. 12 the Legislature consisted of the King and two Houses, the Dáil and the Senate. As a result of this Act and No. 18 (above) the sole and exclusive power of making laws for the peace, order and good govern-

ment of the Irish Free State is vested in the Dáil alone. Bills in future become law when signed by the Chairman of Dáil Éireann instead of by the Representative of the Crown, and the Judges, instead of being appointed by the Representative of the Crown on the advice of the Executive Council, are appointed simply " by the Executive Council." But while the King's name was removed from the Constitution by this Act, the situation arising owing to the abdication of King Edward the Eighth was dealt with by the Executive Authority (External Relations) Act (No. 58), which is of sufficient general importance to be dealt with in some detail. After providing in the first two sections that diplomatic and consular representatives are to be appointed and international agreements concluded, by or on the authority of the Executive Council, the Act goes on in Paragraph 3 to provide that " so long as Saorstát Éireann is associated with the following nations, that is to say, Australia, Canada, Great Britain, New Zealand and South Africa, and so long as the king recognized by those nations as the symbol of their co-operation continues to act on behalf of each of those nations (on the advice of the several Governments thereof) for the purposes of the appointment of diplomatic and consular representatives and the conclusion of international agreements, the king so recognized may, and is hereby authorized to, act on behalf of Saorstát Éireann for the like purposes as and when advised by the Executive Council so to do." Subs. 2 of the same section provides that " immediately after the passing of this Act, the instrument of abdication executed by His Majesty King Edward the Eighth on the 10th day of December 1936 shall have effect according to the tenor thereof, and His said Majesty shall, for the purposes of the foregoing subsection of this section and all other (if any) purposes, cease to be king, and the king for those purposes shall henceforth be the person who, if His said Majesty had died on the 10th day of December 1936, unmarried, would for the time being be his successor under the law of Saorstát Éireann."

While these constitutional changes overshadow the other legislation during the year, a number of other highly important enactments were put upon the Statute Book, those of most general interest being the following :

Agriculture.—Four Acts of agricultural interest were passed during the year. The Agricultural Seeds Act (No. 14) makes further and better provision in relation to the production, importation, cleaning and sale of agricultural seeds, by giving the Minister for Agriculture extensive powers to prohibit the importation (except under licence) of such seeds, by prohibiting the carrying on of the business of cleaning seeds (except under licence) and by providing penalties for selling seeds containing injurious weed seeds. Further, by the Noxious Weeds Act (No. 38) the growth and spreading of noxious weeds is dealt with by providing substantial penalties for allowing such weeds to grow, and for failing to destroy such weeds when required to do so by a member of the Civic Guards or an Inspector under the Act. The encouragement of the growth of flax in the country is the object of the Flax Act (No. 20), which provides for the registration of flax-growing premises and scutch-milling premises, the fixing by the Executive Council of a standard price for flax grown and scutched in Saorstát Éireann and the payment of a bounty to flax-growers by the State. An Act of considerable importance to agricultural workers is the Agricultural Wages Act (No. 53), which provides for the setting up of an Agricultural Wages Board which has power to make orders fixing

for any particular " wages district " the minimum rates of wages to be paid to agricultural labourers in that district. Once an order is made by the Board, any employer who fails to pay a labourer the minimum wage is liable to severe penalties, and in addition the difference between the wage paid and the minimum wage can be recovered from such employer by civil proceedings.

Air Navigation and Transport.—The first attempt at regulating air navigation and transport in the Irish Free State is contained in Act No. 40, a comprehensive Act consisting of 103 Sections, dealing with such matters as the making of orders by the Executive Council for the carrying into effect of the Paris Convention of 1919, the giving of the force of law to the provisions of the Warsaw Convention of 1929 and the carrying into effect of the Rome Convention of 1933. Part IV deals with liability for damage caused by aircraft to persons or property on land or water, the survival of causes of action for such damage, limitations on the amount of such liability, and the obligation of owners of aircraft to insure against certain third-party risks. Part V deals with the establishment and maintenance of aerodromes by the State and by local authorities, and with the acquisition of lands for this purpose. Part VIII provides for the floating of a company with State aid for the carrying on of air transport both within the country and between the country and other countries, and certain classes of aviation business are prohibited except under licence by Part X of the Act.

Aran Islands.—In order to ensure that an adequate steamship service is maintained between the Aran Islands (County Galway) and the mainland, the Aran Islands (Transport) Act (No. 36) empowers the Minister for Industry and Commerce to make contracts and to provide a subsidy for the carrying on of such service.

Conditions of Employment.—Act No. 2 regulates and controls the conditions of employment of workers engaged in " industrial work " (which is defined as not including agricultural, commercial nor domestic work, nor mining, nor the transport of persons or goods). Restrictions may be made by the Minister prohibiting or restricting the employment of young persons and female workers, and workers are entitled to certain annual leave at full wages. Conditions as to the times of work, as to overtime and overtime pay, compulsory intervals in work, work on public holidays and Sundays, and the employment of young persons and women at night, are also contained in the Act. The Night-Work (Bakeries) Act (No. 42) was passed to implement a convention adopted by the League of Nations in 1925, and it prohibits in a bakery any process of manufacture (except the manufacture of biscuits for sale wholesale) during a prescribed period of night (since prescribed by the Minister as the period between 10 p.m. and 6 a.m.), except where special regulations are made by the Minister in respect of exceptional work, an unusual pressure of work, or a national emergency.

Courts of Justice.—Changes of considerable importance in the administration of justice are contained in Act No. 48, which carried into effect some of the recommendations of a Commission appointed some years previously. The main provisions of the Act are (1) The increase of the number of judges of the Supreme Court from three to five ; (2) The transfer of the Lunacy and Minor Jurisdiction from the Chief Justice to the President of the High Court ; (3) The alteration of the system of hearing of appeals from the Circuit Court on shorthand notes, to a rehearing before

a High Court judge on Circuit ; (4) Power given to judges to clear the court during the hearing of certain criminal trials.

Finance.—The Finance Act (No. 31) continues income tax (at 4*s.* 6*d.* in the £) and surtax as before, but allowances for children are increased to £60 for each child.

Entertainments promoted by the Irish Amateur Fencing Federation and the Irish Free State Table Tennis Association, or by clubs affiliated to them, are exempted from entertainments duty (s. 12). The Act also contains a list of articles which are exempted from customs duty, as for instance : articles imported by a person taking up residence in Saorstát Éireann, wedding presents, articles acquired under a will or an intestacy, prizes and awards, religious medals and ships imported to be broken up. S. 20 contains somewhat drastic provisions in aid of the detection and conviction of smugglers. Persons in the possession of dutiable or prohibited goods may be required to account for them, and in any charge against such persons, the goods are presumed, until the contrary is proved, to have been " smuggled." Thus the onus is shifted from the prosecution to the person charged.

Insurance.—The Insurance Act (No. 45) is a long Act, making numerous provisions affecting insurance companies carrying on business in Saorstát Éireann. All insurance companies and persons carrying on an assurance business must be licensed by the Minister for Industry and Commerce, and such companies must deposit certain sums (according to the class of insurance undertaken) with the Accountant of the Courts of Justice, out of which sums the court may order judgments recovered against the company to be paid. Industrial assurance business is specially dealt with, and s. 61 deals with the necessary contents of proposals for industrial assurance policies, and alters the law in regard to the position where the proposal form is filled up by an employee of the company, in which case the company cannot question the validity of the policy founded on such proposal form, unless there has been a fraudulent misstatement by the proposer in some material particular, and it is further provided that no industrial assurance policy shall be invalidated on the ground that the age of the person in respect of whose life the policy is issued was incorrectly stated in the policy or proposal, and the age stated in the policy is to be taken as admitted by the company. Forfeiture of a policy for non-payment of premiums cannot be incurred, unless there has been a default for ten weeks. Restriction is placed on the employment of persons not in the regular employment of the company for the purpose of procuring any person to enter into a contract of industrial assurance with the company. Part VI provides for the formation of the Re-insurance Company of Ireland Limited, with which all re-insurance business must be carried out. S. 108 provides that, whenever a proposal form is filled in in the Irish language the policy must, if the proposer so requires, also be in Irish.

Land Acts.—A further addition to the ever-increasing Land Purchase Code is the Land Act (No. 41), which, besides filling up a number of loopholes which had been discovered in the earlier Acts, extends the powers of the Land Commission to acquire land compulsorily for the relief of congestion and other purposes. It also provides, for the first time, that tenants whose tenancies came into existence subsequent to the passing of the Land Act, 1923, may apply to bring themselves within the Acts.

Liffey Reservoir.—The harnessing of the River Liffey for a double purpose is dealt with in Act No. 54, which entitles the Electricity Supply

Board to build a reservoir and other works for the purpose of generating electricity to be used as an auxiliary to the Shannon scheme and also to be used by the Dublin Corporation for the purpose of providing an additional water supply to meet the increased requirements of the city.

National Health Insurance.—Certain soldiers of the Permanent Force and members of the Reserve Force are brought within the purview of the National Health Insurance and the Widows and Orphans Pensions Acts by Act No. 12.

Pensions.—Members of the First Battalion of the Connaught Rangers, who took part in the Mutiny in India in June and July 1920, and who were sentenced to terms of imprisonment of not less than twelve months, are entitled to receive service pensions, wound pensions and disablement pensions, under the provisions of the Connaught Rangers (Pensions) Act (No. 37), and the dependants of members killed while taking part in the mutiny or executed as a result thereof become entitled to similar benefits. The Superannuation Act (No. 39) deals with a number of cases of civil servants who, for one reason or another, had been precluded from obtaining the benefits of the former Superannuation Acts.

Turf.—The policy of the Government to encourage the use of turf as a fuel is seen in the Turf (Use and Development) Act (No. 23), which provides for the registration of all coal retailers, who are compelled when selling coal to sell therewith a certain quantity of turf, which must be obtained from an " approved source," *i.e.* either the Turf Development Board, Limited, a co-operative society authorized by the Board or (in the case of turf briquettes) a limited company approved of by the Minister for Industry and Commerce.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

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Acts passed—99 : Public—50 ; Local and Private—9 ; Divorce—40.

The First Session of the Eighteenth Parliament began on February 6, 1936, and closed by prorogation on June 23, 1936.

Banking.—The Bank of Canada Act has been amended by c. 22. Amongst other alterations we may note the provision as to the personnel, qualifications, term of office and appointment of the directors. The Governor of the Bank of Canada, or in the event of his absence or incapacity the Deputy Governor only, is given power to veto any action or decision of the Board of Directors or of the Executive Committee ; and if this veto is exercised, the Governor or Deputy Governor, as the case may be, must within seven days inform the Minister of Finance in writing of the circumstances, and the Minister must submit the veto to the Governor in Council, who may confirm or disallow the veto. Any director or member of the Executive Committee has the power to inform the Minister of Finance in writing of his view of the action or decision in question, which view must also be transmitted to the Governor in Council. The capital of the Bank is increased to $10,100,000, consisting of 100,000

shares (to be known as Class " A " shares) issued to the public and 102,000 shares (to be known as Class " B " shares) to be issued to the Minister at par, to be held by him on behalf of the Dominion of Canada. The capital is divided into shares of $50 each. The Class " B " shares carry with them the same rights and obligations as Class " A " shares, except that the registered holder thereof shall not be entitled to vote at the election of directors. The liability of every shareholder is limited to the amount for the time being unpaid in respect of shares held by such shareholder. Class " A " shares may be held only by or for the beneficial ownership of British subjects ordinarily resident in Canada, or corporations organized under the laws of the Dominion of Canada or of any province and controlled by British subjects ordinarily resident in Canada, but, save as hereinafter provided, not more than fifty shares shall be held by or for the benefit of any one person. A trustee may, however, hold shares in trust for other persons in excess of fifty shares so long as the shares held by him in trust for any one such other person do not exceed fifty, and provided further that a trustee holding shares in trust under the provisions of this proviso in excess of fifty shares shall not be entitled to vote with respect to any such shares in excess of fifty. S. 19, which provides for forfeiture of shares held by a person not eligible or in the case of an individual holding in excess of fifty, is restricted to Class " A " shares. As soon as practicable after the coming into force of the amending Act now under review, notes issued by the Bank of Canada are to be printed in both the English and the French languages, but notes printed before the coming into force of the amending Act and issued thereafter, and any note theretofore issued, will nevertheless be a valid and binding obligation of the Bank. The term " foreign exchange " when used in the Bank of Canada Act is now defined as meaning (amongst other things) balance in pounds sterling, United States of America dollars and currencies which by law, and in fact, are convertible on demand at a fixed price into exportable gold, held in the Bank of England, the Federal Reserve Bank of New York, the Bank for International Settlements or a central bank in any country, the currency of which is convertible as described, and also bills of exchange having a maturity not exceeding ninety days, excluding days of grace, from the date of acquisition by the Bank, payable in pounds sterling, United States of America dollars or in a currency which by law and in fact is convertible on demand at a fixed price into exportable gold, less any liabilities of the Bank payable in the currency of the United Kingdom, the United States of America, or any country whose currency is by law and in fact convertible on demand at a fixed price into exportable gold. S. 31, which deals with the establishment of a rest fund and the appropriation of profits and reserve of the Bank, has been altered as follows : (*a*) if the rest fund of the Bank is less than one-half the paid-up capital, one-third of such surplus shall be allocated to the rest fund, and the residue shall be paid to the Receiver-General and placed to the credit of the Consolidated Revenue Fund ; (*b*) if the rest fund is less than the paid-up capital, but is not less than one-half the paid-up capital, one-tenth of such surplus shall be allocated to the rest fund and the residue shall be paid to the Receiver-General and placed to the credit of the Consolidated Revenue Fund ; (*c*) if the rest fund is not less than the paid-up capital, the whole of such surplus shall be paid to the Receiver-General and placed to the credit of the Consolidated Revenue Fund. Special provision is made for the appointment of two auditors of the Bank

by the Governor in Council, on the recommendation of the Minister, not later than January 31 each year.

Broadcasting.—C. 24 provides for the establishment and operation of broadcasting stations throughout Canada under the corporate name of the Canadian Broadcasting Corporation. The head office of the corporation is at Ottawa, but branch offices may be established elsewhere. There is a general manager who is to be chief executive, and an assistant general manager, each of whom is to be appointed by the Governor in Council on the recommendation of the Corporation. There is a Board of nine governors appointed by the Governor in Council and chosen to give representation to the principal geographical divisions of Canada. The Governor in Council is empowered to appoint one of the Governors of the Corporation to be the Chairman and Vice-Chairman, and the Governors of the Corporation hold office for three years, provided that of those first appointed one-third shall be appointed to retire in one year, one-third in two years, and one-third in three years. Retiring Governors are eligible for reappointment; each Governor holds office during good behaviour for the period of his appointment, but may be removed for cause at any time by the Governor in Council, and casual vacancies may be filled by the Governor in Council. The Act also confers upon the corporation and Governors as such all the necessary powers to carry out the objects of the corporation, and provision is made prohibiting any private station operating in Canada as part of a chain or network of stations, except with the permission of, and in accordance with the regulations made by, the corporation. The corporation, as from the date of the coming into force of the Act now under review, is to take over all property and assets and assume all the obligations and liabilities of the Canadian Radio Broadcasting Commission, and the Canadian Radio Broadcasting Act, 1932, is repealed. The Act is to come into force on proclamation, and was proclaimed to be in force as of November 2, 1936.

Carriage of Goods by Water.—The Water Carriage of Goods Act, R.S.C. 1927, c. 207, is repealed by c. 49, which sets out in the Schedule to the Act statutory provisions in the form of Rules regarding bills of lading having relation to the carriage of goods by water in ships carrying goods from any port in Canada to any other port, whether in or outside Canada. The Act provides, amongst other things, that there shall not be implied in any contract for the carriage of goods by water to which the Rules apply any absolute undertaking by the carrier of the goods to provide a seaworthy ship; and that every bill of lading, etc., issued in Canada which contains or is evidence of any contract to which the Rules apply shall contain an express statement that it is to have effect subject to the provisions of the Rules as applied by the Act. S. 6 of the Act is important, and provides that where under the custom of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper, and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then the bill of lading shall not be deemed to be *prima facie* evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper. The Act does not affect the operation of ss. 456, 457 of the Canada Shipping Act, 1934 (relating to the shipment of dangerous goods), or ss. 649 to 658, both inclusive, of the same Act (relating to the extent of liability of owners

of a ship and carriers for damages) or the operation of any other enactment for the time being in force limiting the liability of owners of vessels. The Rules set out in the Schedule to the Act are not by virtue of the Act to apply to any contract for the carriage of goods by water made before such day, not being earlier than August 1, 1936, as the Governor-General may by order in Council direct, nor to any bill of lading or similar document of title issued, whether before or after such day as aforesaid, in pursuance of any such contract. The Rules in the Schedule contain definitions of " carrier," " contract of carriage," " goods," " ship," and " carriage of goods," and provisions respecting the type of risk involved, responsibilities and liabilities, rights and immunities of carrier and shipper, surrender of rights and immunities and increase of responsibilities and liabilities, special conditions, etc. Under Art. 7, the Rules do not prevent a carrier or a shipper from entering into an agreement, etc., as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connexion with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by water ; and Art. 8 provides that the Rules shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of vessels. Under Art. 9, the monetary units mentioned in the Rules are to be taken to be the lawful money of Canada.

Copyright.—C. 28 amends the Copyright Amendment Act, 1931, in respect of what performances are deemed not to be infringements of a copyright by providing (1) that a performance shall be deemed to be given without private profit, if the only fees which are paid are paid to individual performers and that no fees or commissions are paid to any promoter, producer or contractor for services in promoting or producing the performance, and (2) that the following shall not constitute an infringement of copyright, namely, the performance without private profit of any musical work at any agricultural, agricultural-industrial exhibition, or fair which receives a grant from or is held under Dominion, provincial or municipal authority, provided that such performance shall be deemed to be given without private profit if the only fees which are paid are paid to the individual performers or their agents, and provided further, that such fees are not dependent upon the attendance at the exhibition or fair. The amending Act now under review also amends the statute in reference to performing rights in many important respects, among which we may notice the following. Each performing rights society, association or company (which we will call " the association ") must from time to time file with the Minister a list of works *in current use* in respect to which the association claims the right to issue licences, collect fees, etc., and must file *annually* on or before November 1 statements of all fees, etc., which the association proposes to collect during the next ensuing calendar year in respect to performances of its works in Canada. If the association neglects or refuses to file the last-mentioned statement, no action or other proceeding to enforce any civil or summary remedy for infringement of the performing right in any dramatico-musical or musical work claimed by any such association shall be commenced or continued, unless the consent of the Minister is given in writing. As soon as practicable after the receipt of the statements of fees, etc., referred to above, the Minister is to publish them in the *Canada Gazette* and notify that any person having any objection to the proposals contained in the statements must lodge par-

ticulars in writing of his objection with the Minister at the Copyright Office on or before a day to be fixed in the notice, not being earlier than twenty-one days after the date of the publication in the *Canada Gazette* of such notice; and as soon as practicable after the date fixed in the said notice the Minister must refer the statements and any objection received in response to the notice to a Board to be known as the Copyright Appeal Board. This Board is to consist of three members, who are to be appointed by the Governor in Council. One of the members is to be a person who holds high judicial office, and he will be the Chairman of the Board. The other two members of the Board are to be selected from officers of the public service in Canada. The amendments give the Board full power to consider the statements of proposed fees, etc., of the association, and to deal with objections thereto, and make such alterations therein as the Board may think fit; and the statements of fees, etc., so certified as approved by the Board shall be the fees, etc., which the association may lawfully sue for or collect during the ensuing calendar year in respect of which the statements were filed. Any right of action, etc., which the association might otherwise have against any person will be barred if the person has tendered or paid to the association the fees, etc., which have been approved as aforesaid. The Governor in Council, on the recommendation of the Minister, is authorized to prescribe the fees, etc., which any association may lawfully sue for or collect in respect of the issue or grant by it of licences for the performance of all or any of its works in Canada until January 1, 1937; and no action or other proceeding to enforce any civil or summary remedy for the infringement of performing rights claimed by the association shall be commenced or continued, and no judgment or sentence shall be rendered in any court against any person who shall have tendered or who shall have paid to the association fees so prescribed by the Governor in Council; provided that any stay of proceedings lawfully prescribed by the Minister before the coming into force of the amending Act of 1936 shall continue to be effective until the Governor in Council has prescribed the fees, etc., as aforesaid.

Criminal Code.—Among the amendments to the Code made by c. 29, we note that a new subsection has been added to s. 133, which deals with sedition; and the new subsection provides that, without limiting the generality of the meaning of the expression "seditious intention," everyone shall be presumed to have a seditious intention who publishes or circulates any writing, printing or document in which it is advocated, or who teaches or advocates the use, without the authority of law, of force as a means of accomplishing any governmental change within Canada.

Customs.—The Customs Act has been amended by c. 19, in many respects too numerous to detail here, in regard to entries by bill of sight, the method of arriving at the value (for the purpose of assessing duty) of new or unused goods and, in cases of difficulty, appeal from an assessment to the Tariff Board, penalties for witnesses not attending or producing documents, etc., the right of the collector or other proper officer to require the production and handing over of invoices, etc., in respect to goods concerning which a conspiracy to defraud the revenue has been alleged, the seizure of goods under certain conditions, the keeping, purchasing, selling, etc., of goods unlawfully imported into Canada, penalties for refusing to stop vessel, vehicle or conveyance when required to do so by an officer or person employed as such, appeals from convictions or dismissals by magistrates, etc., under the Act, and provision allowing of alternative

penalty of imprisonment in default of payment of fine. S. 123 of the Customs Act, which required that imported medicinal preparations should be marked with the true name of the manufacturer, etc., and whether alcoholic or non-alcoholic, is repealed by s. 7 of the amending Act now under review. The Customs Act is also amended by c. 30 in reference to a number of matters, including the definition of " officer," " vehicle," " Canadian waters." Unless the Minister dispenses with the requirement, the master of a vessel must, if the cargo of his vessel includes intoxicating liquors, have on board a manifest signed by him under oath as to the truth of the statements therein contained, and the manifest must contain the particulars set out in the amendment. The amending Act now under review also contains provisions respecting hovering vessels, penalties against a master or person in charge of any vessel and the driver or person conducting or having charge of any vehicle or conveyance who refuses or neglects to stop such vessel, vehicle or conveyance when required so to do in the King's name by any officer, or any person who refuses to aid and assist the officer in a lawful way in respect to a seizure or stoppage. The amending Act now under review came into force on proclamation as of September 19, 1936. The Customs Tariff is amended by c. 31 in many respects, too numerous to detail here ; and reference to the amending Act itself must be had for detailed information.

Employment.—Special provision is made by c. 47, the Veterans' Assistance Commission Act, 1936, for the establishment and operation of the Veterans' Assistance Commission, with the object of assisting unemployed veterans, *i.e.* any person who served in the naval, military or air forces of Canada, or in any other of His Majesty's forces or in any of the forces of His Majesty's allies during the Great War.

Insurance.—The Canadian and British Insurance Companies Act, 1932, has been amended by c. 18 in many respects too numerous to detail here ; the amendments dealing principally with matters affecting the holding of meetings, the power to transact such classes of insurance as may be specified in the certificate of registry to be from time to time granted to the company under the Act, investment of funds, the requirement that a majority of the governing body of every fraternal benefit society shall at all times be persons resident in Canada, the annual mailing to policy-holders in fraternal benefit societies of a copy of the valuation balance sheet, the maintenance of minimum assets and the retention in Canada of assets in regard to liabilities, the meaning of the term and the appropriation of " surplus," penalty for transacting business in respect to which the company or society is not registered, the method of determining the amount of assets in Canada required to be maintained by every British company under s. 123 of the principal Act, the classes of insurance which may be covered by a certificate of registry, and special requirements respecting provincial companies.

Mines and Natural Resources.—C. 33 provides for the establishment and operation of a Department of Mines and Resources over which the Minister of Mines and Resources for the time being appointed by commission under the Great Seal of Canada shall preside. The Minister will have the management and direction of the Department and will hold office during pleasure. The Governor in Council may appoint the chief officer of the Department, who will be called the Deputy Minister of Mines and Resources and will hold office during pleasure. Provision is made for the appointment of the necessary officers, clerks and employees for the proper

conduct of the Department, and s. 5 of the Act confers upon the Minister all the duties, powers and functions which were, immediately prior to the coming into force of that section vested in the Minister of the Interior, the Minister of Mines, the Minister of Immigration and Colonization and the Superintendent-General of Indian Affairs. Under s. 6, the duties, powers and functions of the Minister are to extend and apply to such boards and other public bodies, subjects, services and properties of the Crown as may be designated or assigned to the Minister by the Governor in Council over which the Minister shall have the control, regulation, management and supervision. Under s. 10 the Minister has the control and management of (*a*) the affairs of the Northwest Territories, and of the Yukon Territory, and (*b*) all Crown lands which are the property of Canada, including those known as ordnance and admiralty lands, and all other public lands not specially under the control of the Department of Public Works, Railways and Canals or National Defence, and excepting also marine hospitals and lighthouses and land connected therewith, and St. Paul's, Sable and Portage Islands. The Department of the Interior Act, and the Department of Immigration and Colonization Act, and ss. 3, 6, 7, 9 of the Geology and Mines Act, and s. 5 and paragraph (*a*) of subs. 1 and subs. 2 of s. 7 of the Indian Act, are repealed. The Act now under review came into force by proclamation as of December 1, 1936.

Railways.—Part 1 of The Canadian National-Canadian Pacific Act, 1933, is repealed by c. 25, and in place of the Board of Trustees provided for by the repealed provisions there is substituted a Board of Directors of the National Company, consisting of seven members. The Governor in Council may appoint one of the directors of the National Company as chairman, who must devote his whole time to the performance of his duties and must not be an officer nor after his appointment as chairman become, otherwise than by re-election, a director of any company other than a company which is comprised in National Railways, or a company owned or controlled, directly or indirectly, by stock ownership or otherwise by His Majesty. Three of the original directors, including the Chairman of the Board of Directors, are to be appointed for terms of three years each from appointment, two for terms of two years each from appointment and two for terms of one year each from appointment. Vacancies may from time to time be filled by the Governor in Council, and each director whose term has expired shall continue to act as such until his successor is appointed. Four directors constitute a quorum, and the directors may elect one of their number to act as chairman in case of the temporary incapacity of the chairman or there being a vacancy in that office. Subject to the approval of the Governor in Council, the directors are empowered to appoint a President of the National Company, who may be the chairman of the Board of Directors or a person other than one of the directors. The President, as such, is to hold office during the pleasure of the directors ; and the amendments contain the necessary powers and provisions for the purposes of carrying into effect the new condition of affairs. The amending Act now under review came into force by proclamation as of October 1, 1936. C. 26 empowers the Governor in Council to provide for the construction and completion prior to December 31, 1939, by the Canadian National Railway Company of a line of railway from Senneterre to Rouyn, Quebec, and to arrange for the necessary financing of the project. C. 27 empowers the Canadian National Railway Company to issue notes to provide the amounts necessary to meet

expenditures made or indebtedness incurred in respect to the Canadian National Railways during the calendar year 1936, the aggregate principal amount at any one time outstanding of the notes authorized to be issued under the Act not to exceed $9,959,000.

Relief.—C. 7 provides for the establishment of a National Employment Commission. The object of the Act is to provide for nation-wide co-operative effort in reducing the numbers on relief and to provide employment through the appointment of a representative national commission, with power to co-operate with the provinces, municipalities and other agencies in respect of unemployment relief, and to endeavour to provide work for the unemployed. The Commission is to be called the National Employment Commission and is to consist of not more than seven members, to be appointed by the Governor in Council, three Commissioners to form a quorum, and the head office of the Commission to be in Ottawa. The Commission has all the necessary powers to carry out the objects of the Act, and provision is made for the appointment of a National Advisory Committee, to include representatives of industrial, occupational, philanthropic and social service organizations, with a view to more effectively enabling the Commission to carry out its functions. Provision is also made for the appointment of a Women's Employment Committee, to investigate and report upon measures and means to aid unemployed women to secure employment in industry and commerce, and also a Youth Employment Committee to investigate and report upon measures and means in respect to the employment of youth. C. 15, known as the Unemployment Relief and Assistance Act, 1936, was passed for the purpose of assisting in the relief of unemployment, the promoting of agricultural settlement and rehabilitation, and in the development, conservation and improvement of certain natural and other resources. For this purpose the Governor in Council may authorize the execution of such works and undertakings as the Governor in Council may determine to be in the general interests of Canada and may authorize the performance of such acts and the execution of such agreements and contracts as he may deem necessary and expedient. In the execution of any such work or undertaking provision is to be made, so far as it is practicable and consistent with reasonable efficiency and economy to do so, for the employment of persons who being available and competent are necessarily and properly in receipt of relief in the province in which such work or undertaking is to be performed. Power is also given to the Governor in Council to enter into agreements with the provinces respecting relief measures and providing for payments on account thereof and for financial assistance to any province to enable the province to provide for relief measures.

Shipping.—By c. 23 a number of changes have been made in the Canada Shipping Act, 1934, too numerous to detail here; but we may note the following: the term "Minor Waters of Canada" as used in the Act is now made to include, in addition to those specified in the principal Act as originally passed, "such sheltered waters on the sea coasts of Canada as the Minister may specify." The amendments also relate to rules as to certificates of sale, certificated officers, grades of officers' certificates, requirements for and rights of holders of certificates, the powers of pilotage authorities, the limitation of a pilot's personal liability for pecuniary damages to the amount of $300, offences and penalties of pilots or apprentices, load lines, exemption of certain vessels from annual inspection,

applications of fines inflicted on pilots or apprentices and reciprocal services relating to British ships. Ss. 4 (*b*) (*e*) (*g*) (*l*), 6, 7, 9(2), 11, the Radiotelegraph Act, R.S.C., c. 195, are repealed in so far as they concern the establishing, installing, or working of radiotelegraph equipment in ship stations. The amending Act now under review came into force by proclamation as of August 1, 1936.

Trade and Commerce.—C. 3 approves the Trade Agreement between Canada and the United States of America set out in the Schedule to the Act, which came into force on September 5, 1936, by proclamation. C. 5 repeals the Economic Council of Canada Act, 1935, S.C. 1935, c. 19.

Transport.—The establishment and operation of a Department of Transport is provided for by c. 34. Under this Act, which is called the Department of Transport Act, 1936, the Department of Transport, the Minister of Transport and the Deputy Minister of Transport, respectively, are substituted for the Department of Railways and Canals, the Minister of Railways and Canals, the Deputy Minister of Railways and Canals, the Department of Marine, the Minister of Marine or the Deputy Minister of Marine where those terms are respectively used in any Dominion Act, or in any order or regulation made under the authority thereof; so also in the cases where the Department of Marine and Fisheries, the Minister of Marine and Fisheries or the Deputy Minister of Marine and Fisheries is referred to and the Department of Fisheries, the Minister of Fisheries or the Deputy Minister of Fisheries is not by or under the authority of any Act substituted therefor. Similar provisions are made in respect to officers of the Department. The control and supervision of the Civil Aviation Branch of the Department of National Defence is also transferred from the Minister of National defence to the Minister of Transport, and the said Branch is transferred from the Department of National Defence to the Department of Transport. The Department of Marine Act, S.C. 1930, c. 31, is repealed. The amending Act now under review came into force by proclamation as of November 2, 1936.

Wheat Pools.—C. 12 provides for the payment of certain sums of money by way of equalization of prices to primary producers of wheat with respect to wheat of the 1930 crop delivered to provincial pool organizations.

2. ALBERTA.

The Statutes of 1935 are not, like those of some previous years, introduced by a stanza of encouraging verse. Nor are they themselves of much general interest, consisting as they do mainly of laws amending laws and administrative measures mainly of local importance only.

Social Credit.—The Social Credit Measures Act (c. 5)[1] which came into force April 3, 1936, gives a foretaste of what is to come. It declares, not unreasonably, that the people of the Province are entitled to the full benefit of the increment arising from their association. Fit and proper persons are therefore to be appointed to examine into, consider and formulate proposals having for their object the increase of the purchasing power of the consumer by social dividends, compensating discounts or by other means and the payment to the producers of a just price and the allowance to dealers of a fair commission on turnover; and for such purposes to

[1] The Motor Car Supply Co. of Canada has filed an action at Calgary in which the Supreme Court of Alberta is asked to declare *ultra vires* the Social Credit Act and the Licensing of Trades and Businesses Act (p. 36). *The Times*, March 14, 1938.

obtain all necessary data and to report to the Executive Council as to the feasibility of applying any such proposal or any modification thereof having regard to the circumstances of the Province.

The Lieutenant-Governor in Council is further authorized and empowered to adopt and put into operation any measures designed to facilitate the exchange of goods and services or any proposal which is calculated to bring about the equation of consumption to production and thus ensure to the people of the Province the full benefit of the increment arising from their association.

Constitution.—Of constitutional interest we may note the Demise of the Crown Act (c. 32), which provides that the holding of any office under the Crown in the right of the Province and the right or capacity to follow any profession or calling shall not be affected by the demise of the Crown ; and that upon the demise of the Crown it shall not be necessary for any person to take a new oath in respect of such office, profession or calling.

In the same category may be placed the Legislative Assembly (Recall) Act (c. 82), which provides for the vacating of the seat of a member of the Legislature upon the delivery to the Clerk of the Executive Council of the report of the Chief Justice of Alberta or a designated judge that a petition has been signed and lodged in conformity to the Act.

Upon such a vacancy occurring the member whose seat is vacated is eligible for re-election.

Persons desiring to present a petition must make application to the Clerk of the Executive Council in a prescribed form signed by at least ten persons whose names appeared on the voters' list used or available for the last election of a member of the Legislature in the electoral division to which the petition relates : the application must set out the reason for recall and designate some person as the agent of the promoters, and a fee of $200 is payable.

The Act contains elaborate provisions to secure the *bona fides* of the signatures to the petition and its publication. The inquiry as to the petition is to be conducted either by the Chief Justice or some other judge of the Supreme Court, who may thereupon declare the petition to be good and the seat vacant.

The number of statutes which were enacted for the purpose of modifying the law and its administration in general was small.

Law Reform.—Recent British legal provisions are adopted in the Tort-feasors Act (c. 22), which follows in principle the provisions of Part II of the British Statute 25 & 26 Geo. V, c. 30 ; and the Married Women's Act, which " makes it clear that a married woman has the right to sue without joining her husband as a co-plaintiff, and also relieves a husband of liability for his wife's torts."

Slot Machines.—Act c. 25 makes an extension of the definition of " slot machine " in an attempt to deal with these seductive and maleficent devices, the operations of which constantly engage the paternal solicitude of the Canadian legislator.

Sale of Goods.—C. 29 provides that no contract relating to the sale or resale of a commodity which bears the trade-mark, brand or name of the producer or owner thereof and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the Province by reason of any of the following provisions which may be contained in such contract : (*a*) that the buyer will not resell such commodity except at the price stipulated by the vendor ;

(*b*) that the buyer shall require any person to whom he sells the commodity to agree that he will not in turn resell the same except at the price stipulated in the contract; (*c*) that the vendor of the commodity shall not sell such commodity to any other person except at the price stipulated in the contract.

Insurance.—C. 72 comes into force on proclamation and is intended to be brought into force on the same day as similar legislation in other provinces. It contains a large number of amendments of insurance law, of which a few only need be noted as examples:

By s. 2 advertisements leading to trafficking in life insurance policies are prohibited, and reports furnished to the Superintendent of Insurance concerning applicants for licences or licensed persons are declared to be privileged and to be not usable as evidence in any suit in any court brought by any such applicant or licensee. S. 5 increases the amount of a policy to not more than $2,000 under which it may be provided that the insurance money may be made payable to certain relatives or to persons having an equitable claim thereto by reason of expense incurred for the maintenance, etc., of the insured. S. 9 makes express provision as to the rights of reinstatement of the insured where the policy has lapsed and the cash value has not been paid and any options for extended insurance have not been exercised. S. 12 includes adopted children, adopting parents and children of adopted children in the class of preferred beneficiaries. S. 13 makes it necessary for a beneficiary for value or an assignee for value of a policy to protect his interest by giving notice to the insurer. S. 19 declares that an adopted child and its adopting parents shall each be in the relationship of preferred beneficiaries to the other; and that an adopted child and its natural parent shall be in the relationship of an ordinary beneficiary to the other.

Solemnization of Marriage.—C. 57 revises s. 22 of the Act by permitting a judge to make an order dispensing with consent for the marriage of a minor in any case where the consent cannot be obtained. A fresh provision is made providing for the confirmation by a judge of the Supreme Court of the marriage in any case in which any question arises as to the regularity of the ceremony by reason of any inadvertent contravention of or non-compliance with any provisions of the Act on the part of the person celebrating the ceremony.

Coroners.—C. 19 restates the circumstances under which a death must be reported to the coroner and the circumstances under which the coroner is required to hold an inquest. The duty to report only arises where there is reason to believe that the death is unnatural; or sudden, for which the cause is unknown; or the result of violence; or of any wrongful act or omission; or a death which must be the subject of an inquest pursuant to any statute. A coroner also is compelled to hold an inquest where he has reason to believe that the death belongs to any of these categories.

A considerable batch of enactments related to trade and business regulation.

Department of Trade and Industry.—C. 66 amends the principal Act by providing for the fixing of minimum and maximum prices for a commodity by a code.

Chiropractic.—C. 58 makes new provisions for the constitution of an Advisory Board of Examiners, which is to consist of five members appointed by the Minister, of whom four are to be registered chiropractors

resident in the Province and graduates of a school of chiropractic, and the other member is to be a layman who will act as chairman of the Board.

Fuel Oil Licensing.—C. 68 provides for the administration of the Act by the Board of Public Utility Commissioners. Every person carrying on the business of a jobber in, or wholesale dealer in, fuel oil is required to be licensed under the Act. Every person who engages in the business of a retail dealer in fuel oil within the Province is required to be licensed under the Act in respect of each separate filling station, garage or place of business within the Province at which fuel oil is kept for sale by retail or is sold by retail. No licence is to be issued unless, in the judgment of the board, public convenience and necessity require it. No licences are transferable except by leave of the board. The board is empowered to refuse a licence to any person for any cause which the board deems sufficient and in particular to refuse a licence to any person who has been convicted of an offence under the Act or the Fuel Oil Tax Act, 1936, or the Fuel Oil Tax Act, 1932. The board is given powers of inquiring into the production, manufacture, supply, distribution or sale of fuel oil, lubricating oil and grease, and is empowered to prescribe the maximum price and/or the minimum price at which any fuel oil or lubricating oil or grease or any of them may be sold by wholesale, retail or otherwise.

S. 33 empowers the Lieutenant-Governor to authorize any Minister to engage, on behalf of the Province, in the business of the wholesale and retail distribution of fuel oil, lubricating oils and greases.

Trades Licensing.—An elaborate Licensing of Trades and Business Act (c. 67) applies to all trades, businesses and occupations save (*a*) those licensed under certain special Acts and (*b*) to a lengthy list of professions (*e.g.* those relating to Law, Medicine, Teaching, Accountancy). The Lieutenant-Governor may designate any trade as a trade to which the Act applies, and provide for the registration and/or licensing of all persons engaged therein, and prohibit any person required to be registered or licensed to carry on such trade unless he is so registered or licensed. Fees and penalties are provided. The Act is to come into force upon Proclamation. Not dissimilar in apparent purpose is the Tradesmen's Qualification Act (c. 36), whereby the Lieutenant-Governor may designate as a trade to which the Act applies any of the following, namely, the trade of a mechanic engaged in various activities such, for example, as the construction and repair of automobile engines, steam engines, radios, refrigerators, the trade of a plumber, the trade of a gas fitter, the trade of an electrician, the trade of a welder, the trade of a barber, and any other trade in case 66 per cent. of the persons engaged therein have petitioned the Lieutenant-Governor in Council to designate the same as a trade to which the Act applies; and the Lieutenant-Governor in Council may prohibit any person from engaging in or following any such trade who is not for the time being the holder of a certificate of proficiency. The Lieutenant-Governor in Council is empowered to make provision for examining persons as to their proficiency and to issue certificates in proper cases. The Act does not apply to the engagement of non-certificated persons in cases where it is not practicable to secure the services of a certificated person or in the case of emergency. This Act also comes into force on Proclamation.

Motor Vehicles.—The Vehicles and Highway Traffic Act (c. 90) makes provisions as to the date of expiration of drivers' licences. The Act also

empowers the Minister to require an applicant for a driver's or chauffeur's licence to submit himself to examination, and to refuse a licence to a person who does not satisfy him by examination as to his fitness. Provision is made for the suspension and cancellation of a driver's or chauffeur's licence upon the conviction of a holder for an offence under the Act. A new provision is inserted in the Act requiring the operator of a vehicle transporting gasoline otherwise than in the tank or container of a motor vehicle to bring his vehicle to a stop at a level railway crossing.

The Public Service Vehicles Act (c. 91) replaces the Public Vehicles Act, 1927, and provides a comprehensive code for the regulation, licensing and operation of public service and commercial vehicles. The operation of unlicensed public service and commercial vehicles is prohibited.

Water-well Drilling.—C. 104 empowers the Lieutenant-Governor in Council to make regulations as to water-well boring and as to information to be supplied by any person who bores a well to a greater depth than fifty feet and prohibits the boring of any well to a depth of more than fifty feet without a permit. A duty is placed upon the owner of any well to take such precautions by means of fencing or otherwise as may be necessary for the safety of persons and livestock which may be in its vicinity. Provision is made for the sealing or plugging of an abandoned or unused well.

Male Minimum Wage.—C. 76 applies to all businesses, trades or occupations and persons engaged therein as employers and employees, but does not apply to farmers, labourers or domestic servants. Provision is made for the appointment of a minimum wage board consisting of three members. The board is empowered to make all necessary inquiries, and, with the approval of the Lieutenant-Governor in Council, to make orders fixing minimum wages at such rate as may be deemed advisable. Special provision is made in the case of employees who are classified by the board as handicapped or as part-time employees or as apprentices. The board is empowered to fix the maximum amount chargeable by an employer for board in the case of board wages, and to investigate and make orders with reference to partnerships and associations organized for the purpose of evading the provisions of the Act as to minimum wages.

Relief.—Public relief and the assistance of the distressed and afflicted are the subject of a few enactments.

The Bureau of Relief and Public Welfare Act (c. 34), which is divided into two parts, provides in Part I for the establishment of a bureau of relief and public welfare and the appointment of a Commissioner and places upon the Commissioner and the bureau duties with reference to transient indigents. The Commissioner is empowered to deal with indigent cases with respect to which there is a doubt as to whether or not the indigent is a transient, or is an indigent in respect of whom some municipality is liable.

Part II deals with unemployment relief and is applicable in case provision is made at any time by the Government of the Province or by the Government of Canada or by both for the relief of unemployment whereby assistance is afforded a municipality in defraying the costs of providing such relief. " Unemployment relief " is defined as food, fuel, clothing and shelter but does not include medical attendance or treatment or hospitalization, and the municipality remains liable to make provision for the care and treatment of a person in receipt of unemployment relief if he

is in fact indigent and is sick. Provision is made by s. 16 for requiring a person in receipt of unemployment relief to reside in the municipality which affords the relief, provided that the municipality furnishes reasonable facilities for the transportation of such person and his dependents and such effects as he may possess and a home which is reasonably fit for human habitation. The municipality may require the recipient of unemployment relief to perform work on unemployment relief works and to give an undertaking for repayment of advances made by way of unemployment relief.

Tuberculosis.—C. 50 empowers the Minister of Health to take measures for the prevention of tuberculosis and the treatment of tuberculosis patients, and for that purpose to acquire buildings and equipment as suitable for use for the hospitalization of tuberculosis patients, and to enter into agreements with boards of hospitals for the setting apart of any portion of hospitals for the reception of tuberculosis patients. By s. 4 persons who have been residents of the Province for twelve out of the twenty-four months immediately preceding admission into any sanatorium operated by the Minister shall not be required to pay any fee for hospitalization or treatment therein.

Hospitals.—C. 51 makes new provision for the liability of a local authority for the hospitalization of its indigent sick residents ; it makes the local authority liable to pay to a hospital charges for the hospitalization of an indigent sick resident if the case appears to the Superintendent or Medical Officer to be one of sudden and urgent necessity. The case of an expectant mother applying for admission to a hospital and certified by the attending physician as requiring hospitalization is declared to be a case of sudden and urgent necessity.

Education.—The longest Act of the year appears to be the School Act Amendment Act (c. 85), which redistributes the care of education and authorizes the creation of a school division consisting of any number of rural public school districts. Delegates to the Divisional Board are to be appointed from each included school district, if necessary by taking a poll. The powers and duties of the division are minutely prescribed and their general character may be gathered from a summary of the main items. In principle the Divisional Board is to exercise a general supervision and control over the schools of the division. *Inter alia*, it is to pay to each member of the board the sum of not more than $5 per day for each meeting, but not exceeding ten meetings in any one year ; to provide and appoint, for schools of districts comprised in the division, duly qualified teachers ; to provide for the enforcement of the School Attendance Act and to appoint such attendance officers as the board may consider necessary ; to suspend or expel from the school any pupil who upon investigation by the board is found to be guilty of open opposition to authority, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school ; to pay every month the salaries of all teachers in its employ ; to select and provide from the list authorized by the Minister all such reference books for the use of the pupils and teachers, and all such maps and other apparatus approved by the inspector as being required for the proper instruction of pupils ; to cause to be erected and maintained on the school grounds a flag-pole, and to furnish a flag which shall be the British Union Jack, and to cause the said flag to be displayed from such flag-pole upon all such days as may be prescribed by regulation, and when not so displayed to be hung upon the

wall inside the schoolroom; to see that the law with reference to compulsory education is observed.

In case the board of an included school district passes a resolution requesting the provision of religious instruction and transmits the same to the Divisional Board, that board is required to appoint to that school a teacher nominated by the trustees of the district, and similar provision is made in the case of the provision of a primary course in French. S. 250 confers upon a Divisional Board certain discretionary powers. These include the allotment of children to the schools, the employment of doctors and nurses, the exclusion of mentally deficient and harmful children, the furnishing of luncheons to the children, etc.

S. 267 provides for the appointment of a Superintendent for the division whose duty it is to advise the Divisional Board as to educational matters and, subject to the direction of the board, to exercise general supervision over all schools and teachers under the jurisdiction of the board.

Revenue.—In the session of 1936 a considerable number of Revenue Acts were also enacted. Such is the Ultimate Purchasers Tax Act (c. 7), which provides for the payment of a 2 per cent. tax by the purchaser of any commodity purchased for a purpose other than resale. Commodity is defined as all goods within the Province, but does not include bread, milk, coal, gas, water, newspapers, farm machinery, liquor, tobacco, sugar, flour, etc. The duty of collecting and remitting the tax is imposed upon the vendor, who is required to keep such books and make such returns as may be prescribed by the regulations. This Act comes into force on Proclamation.

The Retail Sales Tax Act (c. 8) imposes a tax of 2 per cent. upon every retailer in respect of all sales of commodities made by retailers within the Province. The expression "commodity" has the same meaning as in the Ultimate Purchasers Tax Act (c. 7 of 1936). This Act comes into force on Proclamation, and upon so coming into force the Ultimate Purchasers Tax Act is repealed.

The Fuel Oil Tax Act (c. 9) re-enacts, with certain modifications, the provisions of the Fuel Oil Tax Act (c. 44 of 1932), which relate to the imposition and collection of the fuel oil tax.

The Social Services Tax (c. 12) repeals the Supplementary Revenue Act and imposes a tax of three mills on the rateable value of all rateable land in every city, town and village (referred to as "urban municipalities") and in every municipal district and improvement district (referred to as "rural municipalities").

The Income Tax Amendment Act (c. 13) provides a new schedule of the rates of tax applicable to persons other than corporations and joint stock companies, increasing the rate of taxation and providing for a further increase in the rate in the case of persons with incomes of $1,200 or more who are entitled to the exemption of $750 referred to in s. 5 (1) (*d*).

The Municipal Assessment Commission Act (c. 35) makes a number of amendments to the provisions of the Act relating to the equalized assessment consequentially upon the repeal of the Supplementary Revenue Act.

3. BRITISH COLUMBIA.

[It is hoped to publish this summary in the next *Review*.]

4. MANITOBA.

[*Contributed by* WILSON E. MCLEAN, ESQ., *Legislative Counsel.*]

At the 1936 session of the Legislature 118 Bills were introduced, of which number 96 were passed. There were 54 public general statutes, 39 general or local municipal statutes and 3 private statutes.

Burials.—This Act is repealed by c. 4, and those portions thereof relating to public health matters are transferred to the Public Health Act, certain provisions to the Coroners Act, the municipal liability for burial of unclaimed bodies to the Municipal Act, and the provisions respecting disinterment to the Vital Statistics Act.

Child Welfare.—By c. 6, the principal Act is completely revised and re-written. Part I of this Act deals with the establishment of a Child Welfare Division in the Department of Health and Public Welfare, presided over by a director. Part II of this Act relates to the establishment of juvenile courts. Part III provides for mothers' allowances. Part IV provides the machinery for dealing with neglect of children and particularly for orders against a municipality for their maintenance. Part V contains provisions respecting the making of filiation orders in the case of illegitimate children. Part VI deals with immigrant children. Part VII provides for the incorporation and duties of children's aid societies. Part VIII deals with the law of adoption. Part IX deals with the guardianship of children and Part X is a general part, creating certain offences particularly relating to children.

Coroners.—C. 7 is a complete revision of the law respecting coroners. Certain changes have been made, namely as to the number on juries, which has been reduced to six, and disinterments for the purpose of investigating crimes. This Act contains a provision whereby a coroner may act as administrator of estates not exceeding $300 without any appointment.

King's Bench.—The principal Act is amended by c. 8 to provide that the official guardian is not to be appointed as trustee of moneys of an infant. It is also amended with respect to trial by jury in view of the changes made in the Jury Act.

Jury.—This Act is completely rearranged and revised by c. 19. There is, however, no substantial change in principle other than the introduction of six-men juries in civil cases.

Livestock and Livestock Products.—C. 24 is substantially a re-enactment of the Dominion Act dealing with the same subject but relating to transactions wholly within the province. This legislation was passed to meet the decision in certain cases which held that certain reference legislation of the province was *ultra vires*, and the Dominion did not thus obtain jurisdiction.

Law of Property.—The principal Act is amended by c. 30 by adding thereto certain provisions originally contained in the Aliens Act, the Estoppel Act and the Assignments of Wages Act. These Acts are thereby repealed. The subject-matter of these three Acts appears properly to belong under this title.

Public Health.—C. 32 amends the principal Act to include provisions relating to the examination and treatment of venereal disease. The Act of this name was consequently repealed.

Public Officers.—The principal Act is fully revised by c. 33. The provisions relating to the demise of the Crown are rewritten. Also, pro-

visions in regard to the security to be furnished by public officers are changed to meet modern conditions.

Replevin.—C. 36 is a new Act which follows the Ontario Act and embodies material that was originally contained in rules made under the King's Bench Act and provisions in sections of the old County Courts Act. It applies to both courts.

Summary Convictions.—C. 38 is a revision measure, but with three or four additional provisions, the most noteworthy of which deal with part payment of fines and provide a further appeal to the Court of Appeal from the County Court.

Treasury.—C. 45 is a revision measure and is a consolidation of provisions originally contained in other Acts. The most important point is the definite segregation of the Consolidated Fund into three divisions, namely capital, trust and special, and revenue.

University.—C. 47 is a revision and consolidating measure. The only substantially new principle is the establishment of a Senate.

Wages Recovery.—C. 50 is a revision of the old Masters and Servants Act. This Act reproduces, with certain amendments and improvements, the provisions of the old law, but does not carry forward certain antiquated penal sections.

Wills.—C. 52 is an Act repealing the 1913 Act, and is based upon the draft prepared by the Uniformity Commissioners. The principal differences between the 1913 Act and this Act are as follows: (1) Under this Act a will is not revoked by the marriage of the testator where it is declared in the will that it is made in contemplation of such marriage. (2) The words "heir" and "heirs" are specifically defined. (3) Illegitimate children are declared to be entitled to take under a gift to the mother. (4) Posthumous children are given certain rights. (5) The executor is declared to be a trustee of any undisposed residue. (6) Provision is made covering certain rules of conflict of laws.

Wives' and Children's Maintenance.—C. 53 is a revision measure replacing the 1913 Act, but differing somewhat from that Act in the following particulars: (1) A woman who has cohabited with a man for one year or more and has had a child by him is entitled to the benefit of the Act. (2) Provision is made for an informal hearing with the object of settlement. (3) The jurisdiction of the police magistrate and the county court judge are made precisely the same. (4) Provision is made for filing an order made under the Act as the judgment of the county court. (5) Certain exemptions from distress and execution are removed. (6) Provision is made for the appointment of a receiver in certain cases. (7) There is a provision for service of process outside the province.

Since the passing of the Act, decisions of the Court of Appeal of Alberta and that of Ontario have thrown grave doubts upon the jurisdiction conferred upon magistrates under this Act. This is due to the provisions of s. 96 of the B.N.A. Act. It is thus interesting to note that while in 1937 the new English Act has conferred extended jurisdiction upon justices in the Old Country, the courts by reason of our constitution have practically eliminated their jurisdiction with respect to maintenance and separation orders, etc.

The foregoing were all measures designed in furtherance of the revision of the statutes of this province which is under way.

The following statutes are merely amending ones:

Bills of Sale.—C. 3 gives the chattel mortgagor, in the case of a mort-

gage given by way of collateral security, the same exemptions as those possessed by an execution debtor.

Surrogate Courts.—C. 9 extends the rule-making power of the judges.

Education Department.—C. 10 makes a statutory board a board of arbitration in disputes between school trustees and their teachers.

Game and Fisheries.—C. 13, an Act of some twenty-five sections, amends the principal Act in a number of details. One of the most important amendments is the restriction of the use of pump guns in hunting game birds.

Highway Traffic.—Extensive amendments are made by c. 14. The principal points covered are changes in the licence fees, the lights on trucks, restrictions on weight of loads and regulations governing the use of trailers.

Insurance.—The principal Act is amended by cc. 15, 16 and 17. The first two chapters deal with the amendments proposed by the Superintendents' Association of Canada. C. 17 introduces a new principle with regard to fire insurance somewhat analogous to the valued policy.

Interpretation.—C. 18 makes the definition of " book " include a loose-leaf book or binder. Also, Boxing Day is made a non-juridical day.

Limitation of Actions.—The Act of 1931 was amended by c. 22 to provide that time is not to run while proceedings are stayed under the Farmers' Creditors Arrangement Act, 1934 (Dominion).

Municipal and Public Utility Board.—C. 27 extends the control of the Board over milk as a utility for a further period of two years.

Real Property.—C. 35 does away with the requirement that property of a deceased must be brought under the operation of the Act.

Small Debts Recovery.—C. 37 permits another magistrate to issue the certificate required for filing in the county court in the case of the illness, death, etc., of the magistrate who gave the judgment.

Taxicabs.—C. 42 amends the principal Act in a number of particulars, particularly to provide for the definition of the term " on duty " with respect to drivers. Also, a penalty is provided for a person who engages a taxicab and who on demand fails to pay the proper fare.

Special Income Tax.—C. 44 gives married persons an exemption in the event of their incomes being less than $1,200 a year.

Unemployment Relief Loan.—C. 46 extends the Act of 1933 for a further period of one year. It is under this Act that capital borrowings for the relief of unemployment in the province are made.

Workmen's Compensation.—C. 54 includes silicosis as an industrial disease when contracted in mining or in iron, steel or metal foundries, and thus compensable. Provision is made for the setting up of a special fund, also for dealing with the case of silicosis complicated by tuberculosis ; further, rules are laid down as to the number of years a person must have been resident in the province before becoming entitled to compensation ; and regulations with respect to the periodic examination of employees are made.

Municipal.—The principal amendments made by cc. 57–62 are an attempt to lay down comprehensive rules as to residence and the setting up of a Civil Service board to deal with the appointment, duties, examination, etc., of municipal officials and to secure certainty of tenure for them.

Municipal Commissioners.—C. 64 permits a levy being made against municipalities for the support of the Cancer Relief and Research Institute.

5. NEW BRUNSWICK.

[It is hoped to publish this Summary in the next *Review*.]

6. NOVA SCOTIA.

[*Contributed by* F. F. MATHERS, ESQ., *Deputy Attorney-General*.]

Acts passed—120: Public—54; Local—50; Private—16.

Slot Machines.—C. 2 provides that slot machines shall not be capable of ownership nor the subject of property rights within the Province, and follows closely similar Acts of Manitoba, Saskatchewan and Alberta, but no penalty is provided for having the possession of a slot machine, though provision is made for seizing such machines and having them condemned by a justice of the peace, and peace officers are authorized to seize these machines and bring them before a justice of the peace.

"Slot Machine" is defined as follows:

> An automatically or mechanically, or automatically and mechanically, operated machine, contrivance or device which, upon or subsequently to the insertion therein or in a slot or receptacle thereof of any money, coin, disc, counter, token, slug or other substance and upon or without the operation of any handle, lever, plunger or other attachment thereof delivers or returns or purports to deliver or return to any person depositing therein any money, coin, disc, counter, token, slug or other substance, either with or without any article of merchandise or any goods, any money, premium, prize, token, reward, counter, coin, disc, slug or anything which is intended to be or capable of being exchanged for money or money's worth, or which may be replayed or re-inserted in any such machine, contrivance or device to again set it in operation.

Industrial Standards.—C. 3 applies only in the City of Halifax and in the Town of Dartmouth. The Minister of Labour is authorized to convene a conference of employees and employers engaged in the construction or building industry to investigate and consider conditions of labour and practices prevailing in the industry, and for negotiating standard or uniform rates of wages and hours and days of labour, and the employees and employers are authorized to formulate and agree upon a schedule of wages and of hours of labour for all or any classes of employees in the industry, and the Governor in Council may declare the schedule of wages and hours of labour so agreed upon to be in force during the same period of time as the agreement, and thereupon the schedule is binding upon every employee and employer in the industry.

Loan Companies.—An Act to Provide for the Inspection of Certain Loan Companies (c. 4) is to enable some supervision to be exercised in connexion with companies making small loans other than companies subject to the provisions of the Trust Companies Act, c. 181, Rev. Stats. of Nova Scotia, 1923, or the Loan Companies Act, c. 182, Rev. Stats. of Nova Scotia, 1923. The Loan Companies Act, c. 182, Rev. Stats. of Nova Scotia, 1923, applies in effect only to loan companies lending money on the security of mortgages upon freehold real estate or on the security of bonds, debentures, notes, stocks or other securities of companies incorporated under the laws of Canada or of any Province of Canada.

The Act provides that no loan company subject thereto shall borrow or lend money, or otherwise carry on business, until it has obtained a certificate from the Attorney General permitting it to do so. Provision

is made for investigating the company's affairs and authority is given to suspend or cancel the certificate of any company for any reason that the Attorney-General may deem sufficient.

Evidence.—C. 35 amends the Evidence Act, c. 225, Rev. Stats. 1923, by adding to s. 38 the following: "or unless permission to ask such question is given by the presiding Judge."

S. 38 of the Evidence Act now reads as follows:

38. The parties to an action or proceeding instituted in consequence of adultery, and their husbands and wives, shall be competent but not compellable to give evidence; but the husband or wife, if competent only under this Chapter, shall not be asked or bound to answer any question tending to show that he or she has been guilty of adultery, unless he or she shall have already given evidence in the same action or proceeding in disproof of his or her alleged adultery, or unless permission to ask such question is given by the Presiding Judge.

7. ONTARIO.

[*Contributed by* JOHN J. ROBINETTE, ESQ.]

1934.

Acts passed—104: Public—66; Private—38.

Municipal Assessment.—In *Re Bradburn and The City of Peterborough*, (1934) O.R. 555, the court of appeal for Ontario had to consider the question whether the payment by a limited company to the province of Ontario of a tax of 1 per cent. on the net revenue of the company, imposed by the Corporations Tax Act, R.S.O. 1927, c. 29, as amended by 22 Geo. V, c. 8, s. 3, operated to exempt the shareholders of the company from the payment of municipal income tax on dividends received from the company by virtue of s. 4 (20) of the Assessment Act, R.S.O. 1927, c. 238, which provided that "the dividends or income from stock by any person in an incorporated company" shall be exempt from municipal taxation if the income of the company is "liable to assessment in Ontario." The court of appeal held that this exemption only applied to a situation where the company was liable to assessment for the purpose of municipal revenue, and that the payment by the company of the provincial tax under the Corporations Tax Act did not operate, *per se*, to exempt the shareholders from the payment of municipal income tax on dividends received by them. This result reached by the court of appeal has now been made statutory by s. 4 of the Assessment Amendment Act (c. 1), which provides that the exemption contained in s. 4 (20) of the Assessment Act "shall not apply to exempt such dividends or income from stock in an incorporated company by reason of the assessment or taxation of the income of such company under the Corporations Tax Act, 1932." This amendment of 1934 was enacted before the court of appeal gave judgment in the *Bradburn Case*, but, not being retroactive in its operation, it did not apply to the situation before the court which had arisen in relation to 1932 income. However, the court pointed out that, even with the 1934 amendment, the legislation is in an unsatisfactory condition, since it leaves open the question whether liability of a company for income assessment for municipal purposes upon part of its income operates, under s. 4 (20) of the assessment Act, to exempt the shareholders from the payment of municipal income tax on dividends received by them from the company.

By the Statute Law Amendment Act (c. 54) it is provided that the " failure of a municipal corporation or of its officers or agents to levy by distress taxes which are a lien upon land and remain unpaid, shall not invalidate " a sale of the land by the municipal corporation for non-payment of such taxes. The effect of this amendment is to render obsolete the contrary view expressed in the judgment of J. M. McEvoy J. in *Scott* v. *The Township of Alberton, et al.*, (1932) 41 O.W.N. 404.

Conveyances of Land.—The Conveyancing and Law of Property Act (c. 6) provides that a body corporate shall be, and is declared to have been, capable of acquiring and holding any real or personal property in joint tenancy in the same manner as if it were an individual. The Act also provides that where a body corporate is a joint tenant of any property on its dissolution the property shall devolve on the other joint tenant. This Act is in the same language as the English Bodies Corporate (Joint Tenancy) Act, 1899, 62 & 63 Vict., c. 20. The effect of this Act is to change the rule of the common law that a corporation cannot hold property as a joint tenant. One reason for the existence of the common-law rule was that there could be no right of survivorship, in the ordinary sense, where a corporation was a joint grantee, and the right of survivorship was regarded as an essential incident of a joint tenancy. This rule of the common law applied where all the grantees were corporations, and also where any one of the grantees was a corporation. The effect of the grant at common law in such situations was to render the grantees tenants in common. The common-law rule applied not only to freeholds, but also to chattels real, personal chattels and choses in action.[1]

Liability of Owners of Dogs Killing or Injuring Sheep.—Under the provisions of the Dog Tax and Sheep Protection Act, R.S.O. 1927, c. 300, a municipality is rendered absolutely liable to the owner of sheep which have been killed or injured by dogs in the municipality for the amount of damages sustained by the owner. The municipality is then given a right of action over against the owner of the dog and, in order to recover, the municipality need not establish that the dog was " vicious or accustomed to worry sheep." By an amendment to this Act, c. 13, it is provided that if the sheep are killed or injured in territory without municipal organization, the owner of the dog shall be directly liable to the owner of the sheep for the damages sustained without the necessity of proving that the dog was vicious or accustomed to worry sheep. This new provision as to territories without municipal organization corresponds to the general provisions of the Dogs Act, 1906 (Imp.), and modifies the common-law rule as to the necessity of proof of the owner's scienter of a mischievous propensity in his dog.

Insurance.—C. 22, in addition to enacting a new general interpretation section for the whole Act (R.S.O. 1927, c. 222), purports to create several interesting offences in relation to the insurance business.

In an attempt to terminate what had apparently been a profitable business, but one which must have caused serious losses to ignorant policyholders, it is made an offence under the Act for any person, other than an insurer or his duly authorized agent, to advertise or hold himself out as a purchaser of life insurance policies or of benefits thereunder, or to traffic

[1] See in relation to the common-law rule, *Windham's Case*, 5 Coke 7a ; *Willion* v. *Berkley*, Plowd. 223 ; *Bennet* v. *Holbech*, 2 Saund. 309 ; 2 Bl. Comm. 184 ; Bac. Abr., tit. Joint Tenants (B) ; *Law Guarantee and Trust Society* v. *The Bank of England*, (1890) 24 Q.B.D. 406, at p. 411.

or trade in life insurance policies for the purpose of securing the sale, assignment, or hypothecation thereof to himself.

The other new offences relate to the conduct of insurers and their agents, and constitute an attempt, framed in somewhat vague and indefinite language, to impose legal penalties for violation of recognized ethical commercial standards. The Act makes it an offence for any insurer or agent to make any agreement as to the premiums to be paid for a policy, other than as set forth in the policy, or to pay, allow or give any rebate of the whole or part of the premium stipulated in the policy to any person insured or applying for insurance in respect of life, person or property.

The Act also makes it an offence for a life insurance agent (*a*) to induce " an insured to lapse, forfeit or surrender for cash " a contract of life insurance with one insurer in order to effect a contract of life insurance with another insurer, (*b*) to make any false or misleading statement in the solicitation of insurance or (*c*) to coerce a prospective buyer of life insurance through the influence of a business or professional relationship or otherwise to give a preference in respect to the placing of life insurance which would not be otherwise given in the effecting of a life insurance contract.

Liquor Control.—By c. 26 the liquor control board is empowered to issue licences for the sale of beer and wine in standard hotels, subject to the regulatory provisions contained in the Act.

Milk Control.—By c. 30 a board to be known as the Milk Control Board of Ontario is created with jurisdiction and power to inquire into any matter relating to the producing, processing, handling, distributing or sale of milk, and, subject to the approval of the Lieutenant-Governor, to make regulations with respect thereto.

Partnership Registration.—By c. 40, the time for filing declarations as to formation of, and change in, partnerships is reduced from six months to sixty days from the date of the formation or change, and the penalty for failure to comply with the requirements of the Act as to the filing of such declarations is reduced from $100 to a penalty of not less than $10 and not more than $100.

Protection of Public Authorities.—By c. 45 the protection afforded by the Act is extended to a sheriff's officer acting under a writ of execution or other process.

Jurisdiction of Assistant Masters.—In order to remove any doubts as to the jurisdiction of the assistant masters of the Supreme Court of Ontario it is provided by the Statute Law Amendment Act (c. 54, s. 13) that, where under any statute, rule or order, or in any action or proceeding, anything is directed to be done by the master of the Supreme Court, any assistant master shall have, and shall be deemed to have always had, power to act as fully and effectually as the master.

Succession Duty.—By c. 55 the old Act (R.S.O. 1927, c. 26 and amendments) is repealed, and by the new Act higher rates of duty are imposed. Moreover, it is interesting to observe that, in s. 6 of the new Act, the legislature has provided that " every transmission within Ontario owing to the death of a person domiciled therein of personal property locally situate outside Ontario at the time of such death, shall be subject to duty." This provision was probably suggested by, but does not follow precisely, the language of Lord Thankerton in *Provincial Treasurer of Alberta* v. *Kerr*, [1933] A.C. 710, at p. 718.

Appeals from Summary Convictions.—C. 56 settles an annoying procedural question in relation to appeals from summary convictions by magistrates. By s. 13 of the Summary Convictions Act, R.S.O. 1927, c. 121, it was provided that an appeal lay from a summary conviction to the court of general sessions of the peace if the conviction adjudged imprisonment only, but in all other cases to the division court of the division in which the cause of the information or complaint arose. Now by the 1934 Act it is provided that all appeals from summary convictions lie to " the County or District Court of the county or district, as the case may be, in which the cause of the information or complaint arose." And by s. 9 of the Statute Law Amendment Act, (c. 54), the County Judges' Criminal Courts Act, R.S.O. 1927, c. 93, is amended by adding a section to the effect that " where under any of the provisions of the Criminal Code or of the Summary Convictions Act an appeal is made to a County or District Court," such appeal may be heard by the county or district judge in the court constituted under the Act.

1935.

Acts passed—100: Public—75; Private—25.

Municipal Affairs.—By the Department of Municipal Affairs Act (c. 16) there is created a department of municipal affairs over which a Minister of the Crown is to preside. The new department has jurisdiction to administer all statutes in respect to municipal affairs, including the Ontario Municipal Board Act, 1932, the Ontario Housing Act, 1919, and the Municipal Housing Act, 1920, and is directed by the Act to exercise " general oversight over municipal institutions and their administration." The jurisdiction formerly exercised by the bureau of municipal affairs is also transferred to the new department. The new department is also given special powers of control over defaulting municipalities.

Deserted Wives.—By the Deserted Wives' and Children's Maintenance Act (c. 18) it is now provided that a married woman shall be deemed to have been deserted within the meaning of the Act when she is living apart from her husband because of his acts of cruelty, or of his refusal or neglect, without sufficient cause, to supply her with food and other necessaries when able so to do, or of the husband having been guilty of adultery which has not been condoned and which is duly proved, notwithstanding the existence of a separation agreement, providing there has been default thereunder and whether or not the separation agreement contains express provisions excluding the operation of this Act.

Dionne Quintuplets.—The Dionne Quintuplets Guardianship Act (c. 19) is one of the most unique statutes which any legislative body has ever enacted. The recital to the Act explains its purpose: " Whereas having regard to the special and unique circumstances touching the birth and survival of the quintuplet infant daughters of Oliva Dionne and Elzire Dionne, his wife, and for the better protection of their persons and estates and of their advancement, education and welfare, it is in the interests of the said children and in the public interest that a special guardianship be created."

By the Act the quintuplets are declared to be the special wards of His Majesty the King, represented by the Minister of Public Welfare for the province of Ontario, and the Minister is constituted their special guardian. The Lieutenant-Governor, upon the recommendation of the

Minister, has the power to appoint persons to be active guardians of the quintuplets along with their father, Oliva Dionne. Any contract with respect to the persons or estates of the quintuplets is declared by the Act to be null and void unless entered into with the consent of the minister or the active guardians.

The position of the father is defined as follows :

> the father . . . shall continue as the natural guardian and as one of the said active guardians . . . he shall . . . be subject to the provisions of the Act and any order-in-council made hereunder, and to the jurisdiction and direction of the said Minister in all things and for all purposes in relation to the advancement, education, welfare and protection of the said children and each of them and as to their custody, residence, care and attention. Provided always that the said children and each of them shall be brought up and educated according to and in the religious belief and faith of the said Oliva Dionne.

The Act also preserves the professional, private, and personal rights of Dr. Allan Roy Dafoe in relation to the children and his services for them.

Highway Traffic.—C. 26 contains two important provisions dealing with actions brought in respect to injuries sustained as the result of the operation of motor vehicles on highways. First, the Act deprives a passenger in a motor vehicle (other than a vehicle operated in the business of carrying passengers for compensation) of any right of action against the owner or driver thereof for injuries sustained while being carried on, or entering or alighting from, any such motor vehicle. Undoubtedly the object of this provision is to prevent the fraudulent assertion of claims by passengers, in collusion with the drivers, against insurance companies which have issued third-party risk policies to the drivers and owners of motor vehicles. Secondly, the Act cures an injustice which previously existed as to the time limit for the assertion of a counterclaim. It is now provided that when an action is brought within the time limit prescribed by the Act for the recovery of damages caused by a motor vehicle, and a counterclaim is made by the defendant for damages occasioned in the same accident, the lapse of time prescribed by the Act shall not be a bar to the counterclaim.

Industrial Standards.—C. 28 deals with collective labour agreements.[1]

Mental Hospitals.—The Mental Hospitals Act (c. 39) repeals practically all existing legislation dealing with the subject and establishes a comprehensive scheme of administration and control, which marks an important advance in terminology and technique.

Real Estate Brokers.—C. 61 supersedes previous legislation and lays down the conditions under which real-estate brokers shall carry on their business.

Real Estate Agents' Commissions.—By the Statute of Frauds Amendment Act (c. 65) the requirement that an agreement to pay a commission on the sale, exchange or leasing of real property be " separate from the sale agreement " is abolished. The effect of the amendment is that no action can be brought to charge any person for the payment of such commission unless there is an agreement to pay the commission in writing signed by the person to be charged, but such agreement in writing is not now required to be separate from the sale agreement.

[1] See Industrial Law Research Council of Canada, Supplementary Bulletin (1935), No. 1.

1936.

Acts passed—88: Public—66; Private—22.

Income Tax.—By c. 1 it is provided that a tax for provincial purposes shall be assessed, levied and paid upon the income during the preceding year of every person resident in Ontario during such year. The Act contains certain exemptions and deductions, and is not applicable to the incomes of incorporated companies except personal corporations. By the Assessment Amendment Act (c. 3) the incomes of persons are no longer liable to municipal taxation, but the incomes of corporations remain liable to municipal taxation. The combined effect of these two Acts is to transfer from the field of municipal taxation to the field of provincial taxation the incomes of persons but not of limited companies.

Municipal Taxation.—By an amendment to the Assessment Act (c. 4) it is provided that every corporation, subject to certain exceptions, shall require by notice to the clerk of the municipality in or for which a separate school exists that the whole or part of the assessments for land, business and income liable to taxation for school purposes in respect to which such corporation is assessed within the municipality or school section in or for which the separate school exists, be entered, assessed and rated for separate school purposes. The assessments, which may be required by the aforesaid notice to be entered, assessed and rated for separate school purposes, shall bear the same ratio to the whole of the said assessments as the number of the shares of the corporation held by the individuals who are Roman Catholics and separate-school supporters and who have filed a notice with the corporation, bears to the number of all the shares issued by the corporation. This Act, particularly from a procedural standpoint, is not free from ambiguities, and the problems of its interpretation are now before the courts.

Highway Traffic.—The maze of regulatory provisions governing the operation of motor vehicles on the highways is further complicated by the "joy killing" provision (c. 27) that "no vehicle shall follow any fire department vehicle when responding to an alarm at a distance of less than five hundred feet."

Industrial Standards.—C. 29 contains provisions designed to render the 1935 Act, relating to collective labour agreements, more effective. While the Act may be producing beneficial results in some trades, the effectiveness of the Act in the building trades has been impaired by inability or failure to enforce the Act evenly and uniformly. It is quite probable that the Act is doing definite injury to the building trades and is creating forms of protected unfair competition. Certainly the 1936 amendments to the Act offer no solution of the problem of the one-man operator, who is not an employer of labour, nor of the problem of the "maintenance man." It is suggested that a general minimum wage law would prove more satisfactory than the Industrial Standards Act. Moreover, injustices in the administration of the Industrial Standards Act have been caused by the failure to investigate and consider the special practices prevailing in each industry. From the public standpoint it would also appear that the basic wage rates in at least some of the schedules are unreasonably high.

Judiciary.—By the Judicature Amendment Act (c. 31) the number of judges of the high court of justice is increased from eleven to thirteen.

Magistrates.—By c. 35 every magistrate shall have jurisdiction to act at any place within Ontario; but the order in council appointing him may assign such magistrate to any magisterial district or part thereof.

Wages.—By c. 65 it is provided that proceedings to attach any debt, due or accruing, due to any mechanic, workman, servant, clerk or employee for or in respect of his wages shall be taken only where the claim of the creditor against the debtor is on a judgment. By virtue of this Act the power to attach or garnish wages before judgment by division court proceedings is abolished.

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. Bentley, Esq., K.C.]

Acts passed—41; Public—30; Private—11.

Highways.—Cc. 1 and 2 are a revision and consolidation of statutes relating to Roads and Highway Traffic. The latter Act tends to bring a measure of uniformity in provincial regulations relating to travel and transportation of goods upon highways.

Advertising along Highways.—By c. 3 the Lieutenant-Governor in Council may make regulations prohibiting the erection or maintenance of unlicensed billboards or other advertising devices beyond the limits of a city or town and within 100 yards of a highway and permitting the erection and providing for the protection of signs and advertisements which have been licensed by the Government.

Missing Heirs.—By c. 4 the period within which the money of missing or absent persons shall remain in court before being distributed is reduced from ten years to a month.

Foreign Corporations.—By c. 5 a company incorporated in another Province or country may obtain the status of a corporation within the province upon filing a petition and a certified copy of its charter or Act of Incorporation.

Credit Union Societies.—By c. 6 provision is made for the incorporation of co-operative credit societies or credit unions for the purpose of promoting thrift and creating a source of credit for members for provident and productive purposes. Organizations are limited to groups having a common bond of occupation or association or to groups within a well-defined neighbourhood, community or rural district or fishing village. Local credit unions may be formed by seven or more persons. Capital is provided by the payments of members upon their subscribed shares. Loans at interest rates not in excess of 12 per cent. per annum may be made to members or co-operative societies or other organizations having membership in a credit union. Periodical inspection of books and accounts of credit unions is to be made by an inspector appointed by the Lieutenant-Governor in Council.

Farmers and Fishermen.—C. 7 authorizes the making of Government regulations to assist in the re-establishment of needy farmers and fishermen.

Insurance.—C. 12 enacts certain amendments to the Life Insurance Part of the Insurance Act, 1933, as prepared and recommended by the Association of Life Insurance Superintendents of the Provinces of Canada at its Conference of September 1935.

National Park.—C. 17 provides for the selection and appropriation of

land as a site for a national park to be established by the Government of Canada.

Surgical Treatment of Prisoners.—By c. 19 the Act authorizing removal of a prisoner from jail to hospital is made to apply to a prisoner confined under authority of a Federal statute, unless the latter Act contains provision to the contrary.

Prison Labour.—C. 20 authorizes the establishment of a jail farm or industrial institution to which prisoners may be removed for compulsory labour during imprisonment.

Slot Machines.—C. 25 declares that no court of civil jurisdiction shall recognize or give effect to any alleged ownership or property rights in any slot machine as defined in the Act. Premises other than private dwelling-houses may be entered and searched without warrant by a peace officer, who may seize and remove any slot machine found on the premises. Dwelling-houses may be searched only upon warrant duly issued for the purpose. After due notice to the person in apparent possession at the time of seizure, the slot machine seized may be confiscated by order of a stipendiary magistrate or justice of the peace.

Extra-territorial Jurisdiction of Magistrates.—C. 27 extends the territorial jurisdiction of county stipendiary magistrates to receive an information and issue a summons, warrant or subpœna thereupon in a county other than the county of jurisdiction.

9. QUEBEC

[*Contributed by the* Hon. Mr. Justice Fabre Surveyer.]

First Session: Acts passed—22; Public—6; Private—16.

Old Age Pensions.—By c. 1, the Cabinet may enter into an agreement with the Dominion Cabinet as to a general scheme of old age pensions in the Province pursuant to the provisions of any Act of the Parliament of Canada heretofore or hereinafter passed, and the regulations made thereunder, and for the payment by the Government of Canada to the Province quarterly of an amount equal to 75 per cent. or more of the net sum paid during the preceding quarter by the Province for old age pensions. The Cabinet may, for the purposes of this Act, appoint an official for each designed territory. It may also appoint a commission composed of three members, to decide finally all applications for old age pensions made to the council of the municipality in which the applicant resides, and forwarded to the Commission, with a recommendation, by the secretary-treasurer of such municipality. Every such pension is exempt from provincial and municipal taxes, unassignable and unseizable. Special provisions govern the transfer to the Minister of Municipal Affairs by the pensioner of any interest he may own in a dwelling-house where he resides. The Minister is entitled to recover out of the estate of any deceased pensioner, as a debt due by him to the Crown, the sum of pension payments made to such pensioner, together with interest at the rate of 5 per cent. per annum, except when such estate passes, by will or on an intestacy, to another pensioner or to one who has continuously, during the three years preceding his death, contributed to the support of the pensioner. Notice of the granting of a pension, signed by the Minister or any person thereto authorized by him, may be registered in the proper office, and thereupon the registrar may refuse to register any

transfer of the real estate, or encumbrance thereupon, except with the consent in writing of the Minister. The Cabinet may, from time to time, make orders and regulations deemed necessary or advisable for the carrying out of the Act, except when such orders or regulations are inconsistent with the provisions of this Act or of any Federal old age pensions Act forming the basis of an agreement between the Federal and Provincial Governments. Loans may be contracted to reimburse payments made for the purposes of this Act. In the event of the Federal Government giving a pension to totally blind persons, the Cabinet may extend the benefit of this Act to any blind person of forty years or more.

Sunday Observance.—C. 3 repeals s. 7 of the Sunday Observance Act (R.S., c. 199), which reads as follows : " Notwithstanding anything contained in this division, whosoever conscientiously and habitually observes the seventh day of the week as the Sabbath day, and actually abstains from work on that day, shall not be punishable for having worked on the first day of the week, if such work does not disturb other persons in the observance of the first day of the week as a holy day, and if the place where such work is done is not open for trade on that day."

Bar Act.—By c. 5, in order to be admitted to the study of law, one must (*a*) be a Bachelor of Arts, of Letters or of Science of a Canadian or British university and (*b*) have complied with the formalities prescribed by the Bar Act. In order to be admitted to practise the legal profession, one must (*a*) be a British subject ; (*b*) have attained the age of majority ; (*c*) have been regularly admitted to study law ; (*d*) have followed during three years a regular course of law in a university or college of the Province and have there obtained a degree in law ; (*e*) have, after obtaining such degree, successfully undergone, before the Board of Examiners, a written examination on the subjects determined by the General Council of the Bar ; (*f*) have, subsequent to such examination, served a stage of studentship for one year, regularly and without interruption, during ordinary office hours, under notarial indenture, in a lawyer's office or in the office of a civil or criminal court ; (*g*) have, at the end of such stage, successfully undergone, before the Board of Examiners, an oral examination on the matters of law and practice determined by the General Council. Any candidate who has failed three times in the written examination can no longer be admitted thereto. The General Council of the Bar may, after taking into consideration a question respecting any irregularity in the stage or studentship of any candidate for practice regularly admitted to study, allow him to present himself for oral examination, provided that such candidate has followed his stage of studentship during the time required by law, and that the irregularity in question has occurred *bona fide*. In no case, however, shall a candidate be entitled to his diploma unless he has established, to the examiners' satisfaction, that, prior to or after his admission to study law, he has successfully followed the regular course in philosophy in a university recognized by the General Council of the Bar of the Province. The Act came into force on August 1, 1937, but does not affect the students admitted to study law before that date.

Moratorium.—By c. 6, the provisions of the Moratorium Act as amended are extended for another year.

Second Session : Acts passed—50 ; Public—42 ; Private—8.

Government Loans.—By c. 2, the Cabinet may, as the interest of the Province requires, change the form of any part of the then existing public

debt of the Province, including any debenture for which the Government is liable, by substituting one class of public securities of the Province for another, or for such debentures, provided the capital of the debt be not increased. No such substitution shall be made unless the consent of the holder of the public security for which another is substituted is previously purchased or redeemed on account of the Government. The loans affected under the Act shall not be made for more than thirty years, or at more than 4 per cent., and they must be employed for the purpose of the Act. Loans under certain existing Acts are henceforth prohibited.

Farm Credit.—C. 3 establishes a Farm Credit Bureau consisting of three members appointed for ten years, but subject to dismissal for cause. The Bureau may borrow, by issue of bonds or otherwise, up to $10,000,000; acquire and possess the real and personal estate it may need for the carrying on of the Act, and the real estate mortgage in its favour whenever the protection of the loan so requires; deal with such property in every possible way; grant to any established farmers loans secured by first mortgage on their farms, up to 65 per cent. of the value thereof, such loans, however, not to exceed $6,000 for each borrower; grant first settlement loans to a person acquiring for cultivation purposes one or more farms forming a single enterprise, up to 75 per cent. of the value thereof, such loans in no case to exceed $6,000 for each borrower; make regulations (to be approved of by the Cabinet), and employ officials required for the carrying on of the Act. Loans must be previously approved by the Cabinet. They must be secured by first mortgage on the borrower's farm or farms, in favour of the Bureau, and bear interest at the rate of 2½ per cent. per annum, payable semi-annually; interest not paid at maturity automatically bears interest at 5 per cent. from the date of maturity. The Bureau may loan on second hypothec, for a short term, provided the total of both loans does not exceed $6,000 or 75 per cent. of the value of the farm or farms. The borrower may lose the benefit of the term if he violates the law. The Bureau may require from the borrower, by mailing a registered notice to his last known address, immediate payment of its claim. If payment by the borrower is not made within thirty days from the mailing of such notice, the Bureau may petition the Superior Court of the district where the immoveable is situated for an order enjoining the sale of such real estate, in the manner provided by the Code of Procedure. The mortgages acquired by the Bureau rank ahead of the privileges of the Crown in the rights of the Province.

Inventory of Natural Resources.—By c. 4, the Cabinet is authorized to proceed to make an inventory of the natural resources of the Province, so as to establish the value of the same and be cognizant of the advantages thereof available for the activities of its population, to supervise more closely the development of its riches, to direct with better knowledge industrial and agricultural production, and to assure the rational working of its timber, minerals, fisheries and water powers, to adapt industry, big or small, to the resources and particular needs of each region, and to procure work for its young men to open careers for them and utilize their talents and energies. For that purpose, an amount of $100,000 is placed at the disposal of the Government, which may appoint the technicians, specialists, advisers, officers and employees whose services may be useful for the proper carrying out of this Act, under the supervision of the Minister of Municipal Affairs, Trade and Commerce.

Old Age Pensions.—By c. 5, the Cabinet is authorized to enter into any

agreement with the Dominion Government with respect to a general scheme of old age pensions in the Province and to the payment thereof.

The Act amends the law passed at the previous session (1 Edw. VIII, c. 1) and particularly allows the application for pension to be addressed to an official as well as to the commission, and authorizes the applicant to petition the local district magistrate if the official charged to investigate fails to do so within a reasonable period. The magistrate after a hearing upon the petition will report to the Commission. An appeal lies to a judge of the Superior Court of the applicant's domicile, from a decision of the Commission refusing an application. The appeal has precedence over all other cases, and law stamps are dispensed with. The decisions of the Commission must be based upon the conditions laid down by the Federal legislation and the articles of the Civil Code with respect to alimentary pensions.

Salaries and Indemnities.—By c. 10, the salary of the Prime Minister is reduced by $2,000 per annum, that of the other ministers by $1,000 per annum, from August 26, 1936, and the indemnities and allowances of the Legislative Councillors and Members of the Legislative Assembly by 10 per cent., from October 1, 1936.

Agents-General of the Province.—C. 11 repeals the Agents-General Act (R.S., 1925, c. 15), as from September 3, 1936.

Liquor Commission.—By c. 14, the Commissioners are replaced by a single manager, who, together with all officers, inspectors, clerks and employees, shall be paid out of the revenues of the Liquor Commission. They may be required to give a guarantee policy. The manager is not liable to be sued for acts done or omitted by him in the exercise of his functions, except by the Government or with the authorization of the Chief Justice of Quebec, or, if he is prevented from acting, by the senior judge of the Court of Appeal.

Mines and Fisheries.—C. 20 (to be inserted as c. 79a of Rev. Stats. 1925) creates a Department of Mines and Fisheries to deal with everything connected with the administration and sale of mining lands and generally with the carrying on of the Quebec Mining Act and other laws relating to mines; with the game laws; with fisheries and parks, within the jurisdiction of the Province.

Extension of Collective Labour Agreements.—Cc. 24 and 25 extend the provisions and facilitate the working of collective labour agreements, provided for by previous legislation.

Department of Health.—C. 29 (to be inserted as c. 185a of Rev. Stats. 1925) provides for the creation of a Department of Health, to be administered by a Minister whose functions are to supervise the carrying out of the laws concerning hygiene and public health, public charities, the insane, the inspection of hospitals and other charitable institutions. He is charged with promoting, by all means and measures which he may deem adequate, the advancement and development of public health in the Province, co-operating with the Government of Canada to facilitate the carrying out in the Province of the Federal laws relating to public health, promoting scientific studies on public health and suggesting practical measures to ward off disease and death, and compiling yearly statistics of the births, marriages and deaths in the Province and of the causes of deaths.

Companies Act.—C. 30 (amending R.S. 1925, c. 223) makes every director of a company, which has surrendered its charter, liable to all

creditors who have not consented to such surrender, unless the director against whom the suit is brought establishes his good faith.

Prevention of Over-capitalization.—By c. 31, notwithstanding any general law or special Act to the contrary, every issue of bonds, debentures or debenture stock for industrial or commercial purposes must be limited to the amount representing the real value of the real estate (or bonds) existing and affected by the mortgage given to guarantee the issue. However, the Cabinet may authorize an issue to replace one already existing, provided the amount thereof does not exceed that of the issue replaced.

Company Directorships.—By c. 32, notwithstanding any law to the contrary, no member of the Executive Council of the Province may be a director or administrator of any corporation of a commercial or industrial nature, if the corporation does business with the Government of the Province, directly or indirectly, or pays or may be called upon to pay taxes thereto. The Act provides for the procedure to be followed in the collection of penalties imposed for infringements of the Act.

Rate of Interest.—By c. 34, notwithstanding any general law or special Act to the contrary enacted by the Legislature of the Province, the legal interest, in so far as the Legislature has jurisdiction, in the civil and judicial matters within the jurisdiction of the Legislature, shall be 3 per cent. per annum, in the absence of any agreement to the contrary.

Moratorium.—By c. 37, assented to November 12, 1936, and repealing all previous Acts, no action in recovery, in whole or in part, of the capital of a hypothecary claim (mortgage), even when the Act creating it constituted a giving in payment, or of the price of sale of real estate even when acknowledged by note or otherwise, may be commenced or continued unless notice has been served upon the debtor in the manner provided by the Act, such notice availing against any subsequent purchaser of such real estate for a period of sixty days following the giving of such notice. During such delay of thirty days, the debtor may file with the prothonotary of the Superior Court of the district where the real estate affected is situated his tax receipts, except those of the current year and of the two preceding years, and an affidavit setting forth that all fire insurance premiums have been paid, that the interest accrued on the capital due has been paid or is tendered and deposited (such interest being reduced to 5 per cent.), and that the debtor is unable to repay, whereupon judgment is entered prolonging the delay for the repayment of the capital until May 1, 1938. The vendor with right of redemption may likewise secure a similar extension of his right to redeem. The judgment of the prothonotary extending the delay in either case may be withdrawn on petition of the creditor or purchaser to a judge of the Superior Court, whose decision is final and without appeal. The judgment of the prothonotary, if not revoked, interrupts prescription as regards the principal, the taxes the payment whereof is delayed, and all interest above 5 per cent. The delay granted to a debtor avails also to his warrantor, if any.

Workmen's Compensation.—By c. 39, the injured workman, his dependdents or his representatives, may, within the year of his accident or death, as the case may be, claim, under common law, from any person other than the employer of the injured workman, any additional amount required, over and above the compensation received, to give him adequate relief. By c. 40, the injured workman has the right to choose his own physician.

Prohibition and Certiorari.—C. 41 abolishes the amendments to the Code of Procedure introduced by 10 Geo. V, c. 79, and 19 Geo. V, c. 85.

10. SASKATCHEWAN.

[*Contributed by* J. P. RUNCIMAN, ESQ., *Legislative Counsel.*]

Acts passed: Public—121; Private—3.

Legislative Assembly.—An amendment (No. 2) to the Legislative Assembly Act provides that, where a member of the Assembly is appointed a member of the Executive Council, he shall not, by reason only of the acceptance of such appointment, vacate his seat in the Assembly or be disqualified from sitting or voting in the Assembly. Prior to this amendment, if the appointment were made more than six months after the day fixed for polling at a general election, the seat was vacated and the appointee had to seek re-election.

Gasoline.—Some new provisions were placed in the Gasoline Tax Act, which was consolidated and revised and is now known as the Gasoline Act (No. 14). When gasoline is sold in drums, on each drum there must be shown its weight, the weight of the gasoline contained therein and the number of imperial gallons. Every person selling gasoline by measure must state on the invoice his licence number, the trade name, if any, of the gasoline and the number of imperial gallons sold. All red gasoline must have an octane rating of at least 72 and all green gasoline an octane rating of at least 62.

Executions.—An amendment (No. 22) to the Executions Act provides that, where an action is brought on a judgment or order of any court in Saskatchewan for the payment of money, and a writ of execution, issued on the judgment or order, is in force at the time judgment is entered in the action, and a writ of execution is issued on the new judgment, the first-mentioned writ shall be deemed to have continued and to be in force until delivery to the sheriff of the writ issued on the new judgment, and the writ issued on the new judgment shall have the same priority as the first-mentioned writ.

Coroners.—A consolidation and revision (No. 26) of the Coroners Act contains some new provisions. A verdict may now be returned by five jurors. Hitherto the six jurymen had to agree before a verdict could be returned. A coroner is prohibited from conducting an inquest upon the body of any person: (*a*) on whom he has attended in his professional capacity as a physician during the period of thirty days immediately prior to the date of death; or (*b*) on whose body he has performed an autopsy or post-mortem examination; or (*c*) whose death has been caused at or on a railway, mine or other work whereof the coroner is the owner or part owner, or which is owned or operated by a company in which he is a shareholder, or in respect of which he is employed as medical attendant or in any other capacity by the owner thereof or under any agreement or understanding, direct or indirect, with the employees at or on such work.

Every medical practitioner, undertaker and embalmer or other person who has reason to believe that a deceased person died as a result of violence or misadventure or by unfair means, or from any cause other than disease or sickness, or as a result of negligence or misconduct or malpractice on the part of others, or under such circumstances as require investigation, must immediately notify a coroner having jurisdiction in

the place where the body of the deceased person is, of the facts and circumstances relating to the death.

An officer, employee or inmate of a hospital, asylum, charitable institution, gaol, prison or lockup is disqualified from serving as a juror at an inquest upon the body of any person whose death occurred therein, and an owner or an employee of an owner of any building or premises in which any trade or business is carried on, and in which the death of an owner or employee occurs, is disqualified from serving as a juror at an inquest on the body of the deceased.

Whenever it appears to a coroner holding an inquest that the cause of death has not been satisfactorily explained by the evidence, he may issue his warrant for the attendance of a duly qualified medical practitioner and for the performance by him of a complete post-mortem examination. Coroners are also empowered to impose penalties upon persons summoned as jurors who fail to appear and upon persons so summoned who appear but refuse, without reasonable excuse, to serve.

Companies Inspection and Licensing.—No. 31 is a new Act affecting trust companies, loan companies and investment companies.

An " investment company " is defined as a company, association or society which makes a contract with its members or subscribers through the issue of investment certificates, saving certificates, shares, debentures or other instruments evidencing a contract and which from time to time receives from its members or subscribers payments of any nature in respect of such contracts.

All trust companies, loan companies and investment companies doing business in the province must be licensed under the Act and make the required returns to the Superintendent of Insurance. The superintendent is intrusted with the general supervision of the business of such companies, and their affairs are subject to inspection by him. Provision is also made for the appraisement of overvalued assets and governing disposal of unauthorized investments.

University.—A new section inserted in the University Act by No. 68 reads as follows: No action, prosecution or other proceeding shall lie or be instituted against the university, the senate, the board of governors or any member of the senate, or the board of governors, or any officer or servant of the university, in respect of any act or omission of any student, or of any students, whether organized as a student body or not, arising out of any association or activity organized, managed or controlled, either wholly or in part, by students of the university, or of any affiliated college.

Livestock and Livestock Products.—This Act was rewritten (No. 77) in view of the judgment of the Court of Appeal in *Rex* v. *Zaslavsky*, (1935) 2 W.W.R., 34, which held *ultra vires* a provision declaring the Dominion Livestock and Livestock Products Act to have the force of law in the province in so far as " within the legislative authority of the province and outside that of the Dominion of Canada."

Hotel Keepers.—No. 88 is a revision of the Hotel Keepers Act, the new provisions being as follows: Thirty days' notice of an intended sale of goods seized and detained must be given by the hotel keeper to the person from whose possession they were taken. When a guest deposits money, jewellery, documents or valuables of a similar nature with a hotel keeper for safe custody the hotel keeper must, at the time of the deposit, give the guest a receipt therefor; and the guest must surrender the receipt when

the property deposited is returned to him. Unless deposited with the hotel keeper for safe keeping or checked in a parcel or checking room on the hotel premises, the hotel keeper is not now responsible for goods or property lost, injured or stolen in a part of his hotel other than the guest room of the owner of the goods or property. A hotel, boarding-house or lodging-house keeper is not now responsible for any trunks or valises or their contents, or any parcels or personal effects of any kind, left by a guest in his room, if there is a proper lock and key for the door of the room, unless the room is locked during the absence of the guest therefrom and the key is left at the office. A hotel keeper or his representative is empowered to require any person whom he deems undesirable to leave the hotel and, in the event of such person failing to leave, to eject him from the hotel premises. Property exempt from seizure under writs of execution is declared not to be exempt from seizure under a writ of execution issued on a judgment obtained by a hotel, boarding-house or lodging-house keeper in respect of an indebtedness incurred for board or lodging supplied by him. Every hotel keeper must keep in the hotel a register or record showing the name and usual place of residence of every person admitted as a guest in the hotel and occupying a room therein alone or with any other person, together with the number of the room so occupied ; and a hotel keeper is entitled to the benefit of the Act in respect only of goods or property brought to his hotel while such register or record is so kept.

Husband's Liability for Wife's Torts.—A new section inserted by No. 90 in the Married Women's Property Act provides that an action shall not lie against a husband, by reason only of his being the husband, for any tort committed by his wife before or after marriage, and that a husband shall not for such reason only be joined in any action against his wife to recover damages for any tort committed by her.

Mental Defectives.—The Mental Diseases Act and the Mental Defectives Act were combined and revised, the new Act being known as the Mental Hygiene Act (No. 91).

Public Health.—The Public Health Act was amended by No. 100 by the insertion of the following provision : If any animal in a dairy herd is suspected of being affected with tuberculosis, infectious bovine abortion or any disease communicable to human beings, the Minister of Public Health may at his discretion require from the owner of the herd a certificate of a qualified veterinary surgeon, stating his findings following a test of the herd for such diseases, and, after receipt by the owner of such request, the milk from the herd shall not be sold or offered for sale or use, or offered for use for human consumption, unless with the previous approval of the minister and subject to such conditions as he may deem expedient.

Another amendment provides that no agreement shall be entered into by a municipal council for the provision of medical services or hospital care or nursing or dental services to residents of the municipality, or for the supply of drugs or appliances prescribed by the municipal physician for such residents unless such agreement has been approved by the Health Services Board.

Vehicles.—An amendment (No. 106) to the Vehicles Act provides as follows : Except only in the case of motor vehicles which are ordinarily used for carrying passengers for hire or gain, no action shall lie against either the owner or the driver of a motor vehicle by a person who is carried

as a passenger in that motor vehicle or by his personal representative or next of kin for any injury, loss or damage sustained by such person by reason of the operation of that motor vehicle by the driver thereof, unless there has been gross negligence or wilful and wanton misconduct on the part of the driver of the vehicle and unless such gross negligence or wilful and wanton misconduct contributed to the injury, loss or damage in respect of which the action is brought.

Slot Machines.—A new Slot Machine Act (No. 110) was passed in substitution for a similar Act passed at the last session of the Legislature, and declared by the Court of Appeal to be *ultra vires*. The property in all slot machines from time to time in the province is declared to be vested in His Majesty in the right of Saskatchewan, and authority is conferred to make regulations governing right of entry and search, the seizure of slot machines and the disposal of machines seized or otherwise taken or received by any person on behalf of His Majesty.

11. NEWFOUNDLAND.

Acts passed—40.

Agricultural Societies.—Act No. 4 provides that any ten or more persons desirous of being formed into an agricultural society may apply in writing to the Commissioner of Natural Resources for registration. Upon registration the Society is deemed to be a corporation having the right to hold property, to enter into contracts and to sue and be sued in any court of competent jurisdiction.

Tourist Traffic.—Act No. 6 incorporates the Newfoundland Tourist Traffic Development Board and provides for the obtaining of statistics of tourist traffic.

Shop Hours.—By Act No. 8 all shops are to be closed from 7.30 p.m. to 8.30 a.m., with a half-holiday on Wednesday, except during the period from the second Monday in December up to and including December 24, during this period, and on one night in each week except Wednesday shops may be open until 9.30 p.m. Shops are to be closed on all public and proclaimed holidays. The term "shop" does not include hotels, barbers' shops, drug stores, establishments for selling ice-cream, confectionery, tobacco, etc., soft drinks, automobile and garage supplies and accessories, fruit, bread, milk, newspapers and magazines, or refreshment rooms. The Act was amended by Act No. 24, restricting working hours to not more than fifty-four hours in a week, and providing that no female employee or person under eighteen years of age is to work more than forty-eight hours in a week or more than eight hours a day except on the one day when the shop is open until 9.30 p.m. The occupier of the shop must provide seats in the proportion of one seat to every three female shop assistants.

Fisheries.—Act No. 11 creates a Newfoundland Fisheries Board to consist of not more than three members appointed by the Governor in Commission. A representative of the Department of Natural Resources may attend the meetings and has a right to take part in the deliberations of the Board but not to vote. The Governor in Commission may make rules, etc., from time to time respecting the catching, curing, preparation, processing, grading, packing, branding and marking for export; exporting of fish; inspection of premises where such operations are carried out; regulation of sales and shipments of fish to the markets, and to regulate

or prohibit the importation of grades or kinds of salt for use in preparing fish and generally (notwithstanding the rule of *ejusdem generis*) as to any other matter in respect of which the Board may deem regulation necessary or desirable in the interests of the Island's trade in fish. Penalties are provided for breach of the rules. Powers are given to the Board as to the issue of exporters' licences; conditions binding upon licensees; power to refuse licences for export; designation of markets; formation of associations.

Act No. 13 further suspends the restrictions on the export, etc., of herring.

Act No. 14 prohibits the export of fish except under licence.

Whaling.—Act No. 20 gives effect to the Convention for the regulation of whaling signed at Geneva on September 24, 1931.

Midwifery.—Act No. 22 sets up a Board of Midwifery to consist of not less than seven nor more than ten persons to be appointed by the Commissioner for Public Health and Welfare. Midwives are to be registered and certificated. A roll of midwives is to be kept, containing the names of all who have been licensed under the Act. Penalties are provided for (*a*) the use of the name midwife without being certificated, (*b*) the practice of midwifery without holding a valid and unsuspended certificate, or (*c*) the practice of midwifery by a person whose certificate has been suspended.

Dangerous Drugs.—Act No. 2 relates to the importation, exportation, manufacture, sale and use of dangerous drugs in accordance with international conventions.

Dogs.—Act No. 27 provides that where a stipendiary magistrate considers an applicant for a dog licence is so poor as to be unable to pay the prescribed fee in cash, he may prescribe some work of public or general utility to be performed by the applicant for a given number of hours. The due performance of such work by the applicant to the satisfaction of the magistrate may be treated by any dog-licensing officer as equivalent to the payment of the licence fee in cash.

12. BERMUDA.

Acts passed—52.

Airport.—No. 3 provides for the establishment of an airport in the Islands, for contributions from the revenue towards the provision and upkeep thereof and towards the maintenance of an overseas air service, and exempts from duty all articles imported in connexion therewith.

Trustees.—No. 13 gives to trustees and personal representatives the right to employ agents for the transaction of business in the execution of a trust or administration of estates. The Supreme Court is given power, whenever expedient, to appoint a corporation to be a trustee either solely or jointly with another person.

Real Property Limitation of Actions.—No. 24 repeals the Act of 1707 for quieting titles and preventing law suits, and enacts provisions conforming more closely with Imperial Statutes passed since that date.

Customs Tariff.—No. 27 exempts from duty certain cinematograph films of an educational character.

Counterfeit Currency.—No. 28 is designed to conform with the International Convention for the Suppression of Counterfeit Currency signed at Geneva, and to this end amends the Criminal Code by abolishing the

distinction made therein in the scale of punishment for coinage offences between acts relating to domestic currency on the one hand and to foreign currency on the other.

Summary Offences.—No. 31 removes the disability on the sale or purchase of personal property on days declared and proclaimed as public holidays.

Dangerous Drugs.—No. 36 consolidates and amends the law relating to the importation, exportation, manufacture, sale and use of dangerous drugs in accordance with International Conventions.

Liquor.—No. 41 consolidates and amends the law relating to liquor licences.

III. AUSTRALIA.

1. COMMONWEALTH OF AUSTRALIA.

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Acts passed—94.

Many of the Acts passed by the Commonwealth Parliament during 1936 consisted of measures in relation to trade and commerce. Thus, commercial agreements with Belgium, Czechoslovakia, France and South Africa necessitated the passage of several Acts approving the agreements and amending the Customs Tariff to conform to the provisions of the agreements. Included amongst the many taxing Acts passed is an Act consolidating income tax legislation. As in recent years, legislation was enacted to grant financial assistance to the various States, but especially to the States of South Australia, Western Australia and Tasmania.

Air Navigation.—The power of the Governor-General to make regulations with respect to the control of air navigation was modified by Act No. 93. S. 4 of the Air Navigation Act, 1920, purported to authorize (*inter alia*) the making of regulations for "the control of air navigation in the Commonwealth." It was held by the High Court[1] that the section exceeded the legislative powers conferred on the Commonwealth by the Constitution. The Act has accordingly been amended so as to restrict the authority it provides for the making of regulations to the limits stated in the decision of the High Court.

Assistance to States.—Grants in respect of the financial year 1936–7 were made to the undermentioned States as follows: £1,330,000 to South Australia (Act No. 49); £500,000 to Western Australia (Act No. 47); and £600,000 to Tasmania (Act No. 48). In addition, £500,000 was appropriated by the States' Grants Act (No. 54) for distribution among the several States on the basis of population and the States Grants (Local Public Works) Act (No. 12) appropriates £100,000 annually for a period of ten years commencing with the financial year 1935–6 as assistance to the States for the purpose of payment of interest and sinking fund charges on approved loans for public works commenced, with the approval of the Government of the State concerned, on or after July 1, 1935. Assistance granted for other purposes is referred to under the headings "Primary Producers Assistance," "Roads," "Unemployment Relief" and "Wheat Industry."

[1] *R. v. Burgess, ex parte Henry*, (1936) 55 C.L.R. 608.

Bills of Exchange.—Act No. 74 amends the Bills of Exchange Act, 1909–32, by the insertion of a new section—77A—to enable the Commonwealth to accede, if thought fit, to the Convention on Stamp Laws signed at Geneva on June 7, 1930. S. 77A provides that a bill issued in Australia and presented for acceptance, accepted, or payable outside Australia shall not be invalid by reason only that it is not stamped, or is not properly stamped. It provides further that any such bill may be received in evidence on payment of the proper duty and penalty (if any).

Bounties.—Bounties were granted during the year on the export of apples, pears, oranges and prunes. The Apple and Pear Bounty Act (No. 4) provides for the payment of a bounty, at the rate of 4*d.* per bushel case, on the export of certain fresh apples and pears from the Commonwealth during 1935. This bounty is continued by the Apple and Pear Bounty Act (No. 2) (Act No. 46) for the year 1936. The rate of bounty for the 1936 crop was, however, increased from 4*d.* to 4½*d.* per bushel case. Under the Orange Bounty Act (No. 5) a bounty of 6*d.* per export case of oranges exported during 1934 to destinations other than New Zealand is provided for, and under the Orange Bounty Act (No. 2) (Act No. 44) a bounty of 2*s.* per export case is granted on oranges, other than navel oranges exported from the Commonwealth to destinations other than New Zealand during 1936 and on navel oranges exported from the Commonwealth to such destinations during the period commencing on January 1, 1936, and ending on July 23, 1936. The provisions of the Commerce (General Export) Regulations must be complied with in respect of oranges exported during the years mentioned. The payment of a bounty of ¾*d.* on each pound of prunes exported from the Commonwealth during 1935 in respect of which the Commerce (General Exports) Regulations were complied with, is provided for by the Prune Bounty Act (No. 6). The bounty was payable to the grower of the fruit from which the prunes were produced. The period during which bounty will be payable on the export of prunes was extended by the Prune Bounty Act (No. 2) (Act No. 43) for one year from January 1, 1936, but the rate of bounty was reduced to ½*d.* per lb. in respect of prunes exported during that year. The extension for one year of the existing bounty legislation in respect of products of Papua and New Guinea which are exported to the Commonwealth is provided for in the Papua and New Guinea Bounties Act (No. 83).

Coinage.—The minting and issuing of crown pieces is authorized by Act No. 86. This Act also alters the provisions of the Coinage Act, 1909, regarding variations of coins from standard weight and fineness (*i.e.* the "remedy allowance" of the coins). Following the British practice, a "bulk remedy allowance" is prescribed in respect of silver and bronze coinage.

Crimes.—Under the Removal of Prisoners (Territories) Act (No. 11) it is now unnecessary to return to the Territory in which he was convicted a prisoner who has served his sentence in Australia and against whom an order for deportation from that Territory has been made.

Customs.—The Customs Act (No. 85) makes such amendments in the Customs Act as are necessary to prescribe the conditions relating to the application of the Intermediate Tariff provided for in Act No. 14 of 1936. The Customs Tariff (Industries Preservation) Act (No. 82) alters the basis for the calculation of dumping freight duty. Instead of being 5 per cent. of the fair market value of the goods in question at the time of

shipment, the duty is to be the difference between the actual freight paid or payable and the normal rate of freight. The Act also provides for the conversion into Australian currency of the amount of dumping duty under ss. 4, 5 and 7 of the Customs Tariff (Industries Preservation) 1921–33.

The Customs Tariff (No. 14) amends the Customs Tariff generally. The Schedule to this Act embodies a number of tariff proposals previously introduced into the House of Representatives during the sittings of the present Parliament, and provision is also made for matters dealt with in Tariff Board Reports, or required by the Ottawa Agreement. The Schedule incorporates two new features, namely, the provision of rates of duty based on the Australia-London exchange, with a corrective for use as such exchange moves towards parity, and the provision of an Intermediate tariff. The Customs Tariff (No. 2) (Act No. 68) embodies certain alterations of duties relating particularly to tobacco leaf, lubricating oil, oregon timber, motor chassis, cotton piece goods and artificial silk goods.

The principal alterations of the Customs Tariff Schedule which are made by the Customs Tariff (No. 3) (Act No. 76) are those which are necessary for the purpose of giving effect to the trade agreements concluded between Australia and Czechoslovakia and Belgium during 1936. The main purpose of the Customs Tariff (No. 4) (Act No. 80) is to give effect to the trade agreement between Australia and France. Customs Tariff (Canadian Preference) (No. 16) covers proposals introduced into the House of Representatives on November 28, 1935, and April 2, 1936. The proposals provided for special rates of duty on the following goods of Canadian origin : veneers, goloshes, rubber sand boots and shoes and plimsolls ; chassis for motor vehicles, and barbed wire. The duties on oregon logs and spars and motor chassis of Canadian origin are affected by the Customs Tariff (Canadian Preference) (No. 2) (Act No. 70). The Customs Tariff (Exchange Adjustment) Acts (Acts Nos. 15, 69, 77 and 81) eliminate from the operation of the Customs Tariff (Exchange Adjustment) Act, 1933–4, those items and parts of items for which provision for exchange fluctuations is now made in the items themselves. These Acts are complementary to the Customs Tariff, 1936 (No. 14), Customs Tariff (No. 2), 1936, (Act No. 68), Customs Tariff (No. 3), 1936 (Act. No. 76) and the Customs Tariff (No. 4), 1936 (Act No. 80), respectively. The Customs Tariff (Papua and New Guinea Preference) (No. 84) consolidates into a single Schedule the duties relating to Papua and New Guinea and extends the benefits of the British preferential tariff to all goods not specified in the Schedule which are the produce or manufacture of those Territories.

Customs Tariff Validation Acts (Acts Nos. 51, 52 and 53) validate until December 7, 1936, the collection of duty under certain tariff proposals introduced into the House of Representatives on May 22, 1936. Under s. 226 of the Customs Act, these proposals would have lapsed if not passed into law by November 21, 1936.

Elections and Referenda.—The Referendum (Constitution Alteration) Act (No. 61) reduces from 9 to 4 weeks the period within which arguments in favour of and against proposed laws for the alteration of the Constitution are to be forwarded to the Chief Electoral Officer. Another amendment provides that the forwarding of any such argument may be authorized by a majority of the members who voted for or against the proposed law

(as the case may be) and desire to forward the argument. By the Northern Territory Representation Act (No. 65), the right to vote on motions for the disallowance of ordinances of the Northern Territory is conferred on the representative of that Territory in the House of Representatives. That representative has not the right of voting on other questions before the House.

Excise.—The Excise Tariff proposals introduced into the House of Representatives on November 28, 1935, and later dates, were adopted by the Excise Tariff (No. 17). The proposals of November 28, 1935, incorporate proposals introduced on December 6, 1934, March 28 and September 23, 1935. The Act relates, *inter alia*, to excise duties on whisky; fortifying spirit; tobacco; cigarettes; concentrated grape must; ale, spirits, tobacco, etc., intended for the Royal Australian Navy, and wireless valves.

Financial Relief.—The proposals of the Government for financial relief (other than in respect of taxation) for the year 1936–7 are embodied in the Financial Relief Act (No. 2) (Act No. 29). Taxation relief is dealt with under the heading "Taxation." The relief granted may be summarized as follows: Old age pensions are increased from 18*s.* to 19*s.* per week; the amount of the maternity allowance is increased from £4 to £4 10*s.* for the first child and to £5 where there is any previous surviving issue under fourteen years of age; the salaries of Commonwealth employees are completely restored to normal rates; the salaries of members of Parliament and Ministers are also restored by an amount equal to 10 per cent. of the normal rate; certain pensions under the Australian Soldiers' Repatriation Act are increased.

The Financial Relief Act (No. 3) (Act No. 73) is designed to ensure the variation of salaries in accordance with fluctuations in the cost of living, notwithstanding the restoration effected by Act No. 29 of the reductions in salaries made by the Financial Emergency Act.

Industrial Property.—Under the Trade Marks Act, 1905, any person who has applied for the protection of a trade-mark in the United Kingdom, or any country with which an arrangement has been made for the mutual protection of trade-marks, is entitled to registration of his trade-mark under the Act in priority to other applicants. Act No. 75 now extends this priority to the legal personal representative or assignee of any such person.

Lands Acquisition.—Act No. 60 alters certain machinery provisions of the Lands Acquisition Act, 1906–34, in relation to compensation for lands acquired by the Commonwealth.

Nationality.—Act No. 62 gives effect to Arts. 8, 9 and 10 of the Convention signed at The Hague in 1930 concerning certain questions relating to the conflict of nationality laws. These Articles relate to the national status of married women. It is provided that, where a British woman marries an alien, she is not to be deemed to have ceased to be a British subject unless, by reason of her marriage, she acquires her husband's nationality. Similar provision is made for cases where a British woman who, having married a British subject, is liable to become Stateless in the event of her husband becoming naturalized in some other country. The Act contains other provisions designed to permit a married woman to retain or acquire a nationality different from that of her husband.

Navigation.—The Colonial Light Dues Collection Act (No. 90) makes such amendment of the Act of 1932 as will render liable to dues under the

latter Act ships which are now claiming exemption from such dues on grounds based on the description of the voyage in the course of which the liability is incurred. The Colonial Light Dues (Rates) Act (No. 91) is complementary to Act No. 90. It varies the incidence of the dues in accordance with the alteration made by that Act.

Petroleum.—The sum of £250,000 is appropriated by the Petroleum Oil Search Act (No. 25) for the encouragement of drilling operations in connexion with the search for petroleum oil in Australia, New Guinea and Papua.

The Petroleum Oil Search Act (No. 2) (Act No. 89) extends the scope of the purposes for which moneys appropriated by Act No. 25 may be applied.

Primary Producers' Assistance.—S. 6 of the Loan (Farmers' Debt Adjustment) Act, 1935, provided, *inter alia*, that no grant was to be made under the Act to a State unless or until there was in force in the State legislation constituting an authority empowered on application being made to it, and at its discretion, to take action having the effect of suspending, either wholly or in part, the rights of any secured or unsecured creditor of a farmer against that farmer. Act No. 8 replaces this provision by one requiring that there should be in force in each State legislation " which is declared by proclamation to be legislation which accords farmers reasonable facilities for relief in respect of debts owing by them." Another amendment contained in this Act relates to certificates to be supplied by the Commonwealth Auditor-General.

Export Control and Organization.—The Meat Export Control Act (No. 7) amends the law as to the payment of fees and expenses of members of the Australian Meat Board in such a way as to make it clear that members of the Board who are also members of Parliament are entitled to actual expenses only. The Act also deals with the tenure of office of members of the Executive Committee of the Board and with the rights of officers employed by the Board. The Dairy Produce Control Act (No. 26) deals with the matter of fees and expenses of members of the Dairy Produce Export Control Board who are also members of Parliament. An amendment relating to the licensing of traders in dairy produce is also included in the Act. The reconstitution and renaming of the Wine Overseas Marketing Board are provided for in the Wine (Overseas Marketing) Act (No. 94). Grape-growers may now be represented on the Board and the Board will in future be called the Australian Wine Board. Another amendment relates to the method of appointment to the Board of representatives of various sections of the industry.

Fertilizer Subsidies.—Further subsidies to assist primary producers in the purchase of fertilizers for use in the production of primary products (other than wheat) were granted during the year. By the Financial Relief Act (No. 1) and by the Primary Producers Relief Act (No. 3) the time within which applications for subsidy might be made was extended and provision was made for possible increases in the amounts originally appropriated to meet payments of the subsidies. The Financial Relief Act (No. 2) (Act No. 29) provides, *inter alia*, for the payment, through State Governments, of a subsidy of 10*s*. a ton on fertilizers used in the production of primary produce (other than wheat) during the year ending on June 30, 1937.

Public Service.—The appointment, without examination, to positions of a non-clerical nature in the Commonwealth Public Service of returned

soldiers who have given at least two years' satisfactory service in a non-clerical capacity is provided for in the Commonwealth Public Service Act (No. 72). The Act also contains amendments of a formal or machinery character.

Public Works.—Under the Commonwealth Public Works Committee Act (No. 92) it will be possible for the Commonwealth Public Works Committee to resume its functions. The Act of 1932, which suspended the operation of the Act constituting the Committee, is repealed and ss. 14 and 15 of the principal Act are amended with a view to limiting the inquiries of the Committee to such works as are referred to it by resolution of the House of Representatives.

Railways.—The Commonwealth Railways Commissioner has been authorized by the Commonwealth Railways Act (No. 87) to quote special rates or rebates or concessions to persons who are prepared to have a stated proportion of their goods conveyed over the Commonwealth railways. The Act also provides for the vesting of all Commonwealth railways and rolling-stock in the Commissioner. The Act also contains minor amendments of the principal Act of 1917–25.

Repatriation.—The benefits provided in the existing law for returned soldiers and nurses are extended by the Australian Soldiers' Repatriation Act (No. 67). For instance, nurses aged fifty-five or more who served abroad or embarked for service abroad will be eligible for "service" pensions. Previously, it was necessary for them to have served in a theatre of war. Further, permanently unemployable nurses who served abroad or embarked for service abroad will, irrespective of their age, be eligible for consideration for pensions. The law affecting "service" pensions is also altered, in other directions, in favour of the pensioner.

Roads.—The Federal Aid Roads Act (No. 63) authorizes the making of agreements between the Commonwealth and the States for the extension, for six months from December 31, 1936, of the terms of the principal agreements of 1926 and 1931 in relation to Federal aid for roads.

Taxation.—The consolidation and amendment of the law relating to the imposition, assessment and collection of income tax are dealt with in the Income Tax Assessment Act (No. 27). This Act is the outcome of the work of the Royal Commission on Taxation, which issued four reports during 1933 and 1934. The activities of the Royal Commission were directed towards securing uniformity in the legislation of the Commonwealth and the States in relation to taxation. The Commonwealth Act was passed to give effect, on the part of the Commonwealth, to the recommendations of the Commission made to secure this objective. The Act differs from the pre-existing law in certain matters of substance as well as of form. Those matters include the conversion of income into Australian currency before the application of income tax rates; the exemption from taxation of alimony as well as separation allowances; the taking into account of the value of residences and quarters provided by an employer for his employees for the purposes of the compilation of returns of income; uniform provisions as to the bringing into account of livestock; the taxation of goods imported and sold in Australia through the instrumentality of an agent; the allowance as a deduction of certain losses by embezzlement or larceny; the allowance of a deduction of £50 in respect of the spouse of a tax-payer; the taxation of the lessor upon the value of improvements erected under covenant; the taxation of Crown leases; and the abolition of the retrospective amendment of assessments due to

alterations in the interpretation of the law. The Income Tax Assessment Act, 1936, was amended by the Income Tax Assessment Act (No. 2) (Act No. 88). The most important amendment (new s. 88A) gives effect to recommendations of the Chairman of the Royal Commission on Taxation regarding the taxation of Crown leaseholds. S. 88A provides that the main provisions of the principal Act in respect of leases are not to apply to a lease from the Crown of land used for primary production. The Act also makes special provision in relation to the taxation of premiums on such leases assigned either prior to or after the first year to the income of which the principal Act applies. A proportionate part of the amount of the expenditure by the lessee on improvements, not subject to tenant rights, is made an allowable deduction. Provision is also made to cover the taxation of a tax-payer succeeding to such a lease upon the death of any person. The Act also deals, *inter alia*, with the taxation of improvements effected by a lessee of land which is disposed of; the exemption of the income of companies formed for the purpose of insuring property belonging to religious institutions; the relief of certain residents of Australia from double taxation, and other amendments consequent on the removal of the special property tax. The rates of income tax for the financial year 1936–7 are imposed by the Income Tax Act (No. 66). The normal income tax rates on the income of individuals from personal exertion and property are reduced by 10 per cent., and the special tax on property income is not reimposed. The Fourth Schedule to the Act provides for the averaging of a tax-payer's income over a period of five years. Previously, the substance of this Schedule was included in the Income Tax Assessment Act. The assessment of premiums received in connexion with the sale or assignment of leases is also dealt with. The special provisions with respect to individually owned and severally owned partnerships which are usually included in Commonwealth Income Tax Acts have been omitted from the 1936 Act.

The Sales Tax Acts (Nos. 1–9) (Acts Nos. 32–40) reduce the rate of sales tax from 5 per cent. to 4 per cent. on and from September 11, 1936. General amendments in the various Sales Tax Assessment Acts and in the Sales Tax Procedure Act are provided for by the Sales Tax Amendment Act (No. 78). S. 60 of the Act contains several new sections relating to the remission and refunding of sales tax. The Commissioner is empowered to remit sales tax which has not been paid after three years of the time when it became due. Subject, *inter alia*, to the provisions of Sales Tax Assessment Acts as to objections and appeals, refunds of tax overpaid are not to be made in future unless the overpayment is discovered or a claim for a refund lodged within three years from the date the overpayment is made. Provision is made for the remission of tax which is unpaid owing to the tax-payer having acted in accordance with a departmental ruling which has been subsequently altered. Authority is conferred on the Commissioner to enter into agreements with tax-payers regarding the method of ascertaining the sale value of goods for purposes of taxation. The Act also contains a number of other provisions designed to ameliorate the incidence of the tax. The Sales Tax Exemptions Act (No. 41) extends the classes of goods exempt from sales tax. The Act also removes certain exemption conditions.

Trade Commissioners.—The conditions of appointment of Trade Commissioners and Assistant Trade Commissioners are dealt with in Act No. 64. The Act empowers the making of regulations prescribing such

conditions. Formerly, the conditions were determined by the Governor-General. The existing and accruing rights of officers of the Public Service who are appointed as Commissioners are also dealt with.

Trade Agreements.—Legislation was enacted in relation to trade agreements between the Commonwealth and four other countries, namely, Belgium, Czechoslovakia, France and South Africa. The Provisional Commercial Agreement with Belgium, a copy of which appears in the Schedule to the Act, is approved by the Trade Agreement (Belgium) Act (No. 57). The Agreement supersedes the Exchanges of Notes on November 19, 1934, and October 23, 1935, between Australia and Belgium in relation to the importation of Belgian glass. Apart from continuing the existing arrangement as to glass, the Agreement provides for : (*a*) reciprocal most-favoured-foreign-nation treatment ; (*b*) the grant of intermediate tariff rates to Belgium in respect of 53 tariff sub-items, and certain other tariff concessions and reductions in primary duties ; (*c*) the consolidation of the present duty-free entry into Belgium of Australian wool, sheepskins, hides and tallow, and the consolidation of the fresh apple and pear duties, and (*d*) an undertaking by Belgium that the importation of Australian barley, wheat and frozen beef will not be prohibited.

The Treaty of Commerce made between the Commonwealth and the Czechoslovak Republic, the Final Protocol to the Treaty and Undertakings given in relation to the Treaty are approved by the Trade Agreement (Czechoslovakia) Act (No. 56). A copy of the Treaty, Protocol and Undertakings is set out in the Schedule to the Act. The Treaty provides, *inter alia*, for : (*a*) most-favoured-foreign-nation treatment on the basis of reciprocity ; (*b*) the grant by Australia of an intermediate tariff rate on 44 tariff items ; (*c*) the continuance of by-law admission of certain steel of a type not manufactured in Australia ; (*d*) the remission of primage duty on a limited number of items ; (*e*) reciprocal undertakings that prohibitions and restrictions shall not be discriminatory and that equitable treatment shall be accorded to goods of the other party should quantitative regulation of imports be maintained or adopted, and (*f*) undertaking by Czechoslovakia to grant duty-free admission to Australian wool, sheepskins, rabbit-skins and pearl shell, to consolidate the existing low duties on lead and to grant a reduction of duty on apples.

The Trade Agreement (France) Act (No. 79) approves an Agreement contained in an exchange of Notes between the Commonwealth Government and the Government of the French Republic. A copy of the exchange of Notes is set out in the Schedule to the Act. Under the Notes, the principal undertakings of the Commonwealth Government are : (*a*) to accord to all French products most-favoured-foreign-nation treatment in respect of duties of customs ; (*b*) to grant the intermediate tariff rates on 96 tariff items or sub-items ; (*c*) to reduce primage duties on 72 tariff items or sub-items ; (*d*) to refer sixteen items to the Tariff Board for public inquiry and report, and (*e*) to use its best endeavours with the Australian viticultural industry to ensure the marketing of Australian wines in a manner which will proclaim their Australian origin.

The French Government has agreed, *inter alia*, to accord the following benefits to Australian exports : (1) The grant of the French minimum tariff duties on twenty items. Wool, hides and skins, wheat, barley, apples, meat, metals and a number of other products are included in the list ; (2) The abolition of the surtax of 200 per cent. of the French

maximum tariff on Australian butter and wheat; (3) The abolition of exchange surtax of 15 per cent. *ad valorem* on all Australian goods; (4) The reduction of the French import tax on Australian products to a flat rate of 2 per cent., and (5) Definite quota allotments for the importation of Australian barley and apples.

The Agreement between Australia and South Africa is ratified and approved by the Trade Agreement (South Africa) Act (No. 58). The Agreement takes the form of an exchange of Notes. The Notes provide for the reciprocal grant of most-favoured-foreign-nation treatment in respect of customs duties and, in effect, ensure that any duty reductions resulting from trade agreements with foreign countries are extended to the products of the Union or the Commonwealth, as the case may be.

The tariff legislation associated with these trade agreements is reviewed under the heading "Customs."

Unemployment Relief.—The States' Grants (Unemployment Relief) Act (No. 71) provides for the appropriation of £150,000 for the purposes of financial assistance to the States in the provision of assistance to persons out of employment. The amounts are allocated among the States as follows: New South Wales, £59,200; Victoria, £40,900; Queensland, £21,700; South Australia, £13,000; Western Australia, £10,000; and Tasmania, £5,200. The Appropriation (Unemployment Relief) Act (No. 13) appropriates £450,000 as financial assistance to the States for the purpose of providing assistance, to the extent specified in the Schedule to the Act, to the metalliferous mining industry and to forestry during the financial years 1936–7 and 1937–8. The grants are to be used by the States for the purpose of relieving unemployment.

Wheat Industry.—The Wheat Growers Relief Act (No. 2) grants financial assistance to the States in the provision of relief to wheat growers in respect of the 1935–6 season. Assistance is allocated to the States as follows: New South Wales, £565,284; Victoria, £441,948; Queensland, £42,835; South Australia, £432,146; Western Australia, £392,850; Tasmania, £3,483. These amounts are payable on the condition that they are applied by the States in providing relief to wheat growers in the manner approved by the Minister after recommendation by the respective prescribed State authorities.

Assistance to the wheat industry for the 1935–6 season was financed, in part, by means of a flour tax. This tax was, however, discontinued on February 24, 1936, and the Government decided to refund any flour tax paid in respect of flour held in stock on that date. The necessary legislation to give effect to the decision is contained in the Flour Tax Assessment Act (No. 9).

Wireless Telegraphy.—Act No. 10 was designed to make it clear that the Wireless Telegraphy Act, 1905–19, applies to all the Territories of the Commonwealth, including Territories governed under a Mandate. The Act also confers upon Courts of Summary Jurisdiction in the Territories jurisdiction to try offences against the principal Act.

Wool Industry.—An Australian Wool Board is established by the Wool Publicity and Research Act (No. 24) to administer a Wool Publicity Research Fund for purposes in connexion with, *inter alia*, the improvement of the production of wool in Australia and the increase and extension, by publicity or research, of the use of wool throughout the world. The Board is empowered to enter into any arrangement with any authority, association or person which is conducive to such improvement or increase

and extension. All moneys received under the Wool Tax Act, 1936, are to be paid into the Fund. Provision is made for the taking, in 1940, of a poll of persons carrying on the business of wool-growing in order to determine whether the Act shall or shall not continue in operation. If the voting is in favour of the discontinuance of the Act, the Act is to cease to have effect on May 31, 1941. The Wool Tax Act (No. 23) imposes a tax on all wool grown in Australia and shorn on or after July 1, 1936. The rates of the tax are such as are prescribed by regulations, but are not to exceed those specified in the Schedule to the Act, namely—for each bale of wool, 6*d.*; for each fadge or butt of wool, 3*d.*, and for each bag of wool, 1*d.* The necessary legislative provisions for the imposition, assessment and collection of the tax on wool are contained in the Wool Tax Assessment Act (No. 22). Alterations of a minor character found to be necessary in the provisions of this Act were made by the Wool Tax Assessment Act (No. 2) (Act No. 42).

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Business Agents.—Act No. 7 provides for the licensing of business agents and sub-agents who deal in the sale of hotel, residential, boarding-house, storekeeping and manufacturing businesses, or any trading business whatsoever, or any share, interest, goodwill or stocks connected with such businesses. The annual licensing fees for an agent are £2 for the State and £1 for a district; and for a sub-agent, 5*s.* Every agent is required to keep a trust account and to provide a fidelity bond—to the value of £500 in the case of individuals and £1,000 for companies.

Cinematograph Films (Australian Quota).—Act No. 41 was the result of a comprehensive inquiry into the film industry and the desire of the Government to establish film production in the State on a substantial basis. It provides that distributors of films shall acquire and make available for distribution a percentage of Australian films (commencing at 5 per cent. in the first year and rising to 15 per cent. in the fifth year). Exhibitors are required to exhibit a percentage of Australian pictures, commencing at 4 per cent. in the first year and rising to 12½ per cent. in the fifth year. Provision is made to obviate, as far as possible, any interference with the distribution and exhibition of British films in the State. Protection is also afforded exhibitors in connexion with existing contracts and against undue interference with their business. A Films Advisory Committee of three is constituted, and registration of producers, distributors and exhibitors is provided for.

Companies.—Act No. 53 amends the Companies Act of 1899, by declaring that the court shall be deemed to have power to wind up any New South Wales foreign company, notwithstanding that such company may have been, during the course of liquidation, dissolved in its country of origin. The primary object of the Act was to validate the winding-up of a company which had been registered in Victoria, had operated wholly in New South Wales and was dissolved under the Victorian law. The liquidation had been proceeding in New South Wales for several years before the dissolution in Victoria was discovered.

Co-operation.—Act No. 55 empowers rural societies to join and carry on trade with an association of trading societies, thus enabling members of the rural societies to secure economies in the purchase of agricultural

and household requisites. The Act also authorizes a union of co-operative associations to discharge for its component associations the functions competent to them, including the making of financial arrangements for the marketing of produce.

Crown Lands, Closer Settlement and Returned Soldiers Settlement.—Act No. 6 provides for a number of concessions and the easement of conditions relating to land settlement. These include provision for the postponement and funding of Crown debts over long periods free of interest; an extension of the time within which Crown settlers may apply for re-appraisement of capital values and rentals; and the extension to holders of homestead farms taken up since the commencement of the Crown Lands (Amendment) Act, 1927, of the right of conversion into Crown lease. The Act also sets up a board of officers under the chairmanship of the Minister for Forests, with the object of preventing soil erosion on Crown lands. A number of machinery amendments designed to facilitate the administration of the Lands Acts are also effected by the measure.

Factories and Shops.—Act No. 11 requires outdoor workers in the clothing trades to be licensed. The terms and conditions of the licences are to be determined by the Industrial Registrar, and applicants must prove that because of necessitous circumstances, domestic ties, infirmity, old age or other sufficient reason they are unable to work in a factory. Licensees are prohibited from employing other persons, except members of their families, in the manufacture of clothing, and from working inside a factory. Each factory is restricted to the employment of one outdoor worker to every ten indoor workers or fraction of ten. An inspector is empowered to enter premises occupied by outdoor workers and obtain particulars of employment. Bedding and upholstered furniture offered for sale must have attached a description of the nature and quality of the filling, and if the material is second-hand that fact must be stated. It is an offence to publish in a newspaper or by wireless broadcast false statements regarding goods with a view to promoting their sale.

Farmers' Relief (Debts Adjustment).—Act No. 18 extends the operation of the Farmers' Relief Act, 1932–4, which provides machinery for the rehabilitation of the affairs of farmers who, as a result of the low prices ruling for primary products in recent years, had become financially involved. The amending Act supplements the benefits of the principal Act by providing that farmers and their creditors may be brought together under the guidance of the Farmers' Relief Board with the object of arriving at voluntary settlements of liabilities on a composition basis, and for cash advances to be made available for payment of approved settlements. The Act also extends to March 31, 1936, the time up to which stay orders may be applied for, and makes provision for the extension, by periods of one year, of the operation of stay orders which may cover a total period of six years. Provision is made whereby farmers may retain payments received by them under the Wheatgrowers' Relief Act, 1934, the Wheat Bounty Act, 1934, Fruitgrowers' Relief Act, 1933, Financial Relief Act, 1934, and Mandarin Growers' Relief Act, 1934, for their own personal use.

Fisheries and Oyster Farms.—Act No. 58 repeals the Fisheries Act, 1902, the Fisheries (Amendment) Act, 1910, and the Net Fishing (Port Hacking) Act, 1901, and substitutes comprehensive provisions relating to the fishing industry in all its branches. Administrative machinery is improved by provision for the appointment of honorary vigilance committees and the appointment of all members of the police force as inspectors of fisheries.

More extensive powers are conferred for the closure of waters, and better provision is made for amateur fishermen. Power is provided to increase licence fees for fishermen and fishing boats and to license fish agents and salesmen and wholesale fishdealers' establishments. Further facilities are provided for the hatching and distribution of trout and for the registration of acclimatization societies for that purpose. All trout fishermen are required to take out a licence. The tenure of oyster leases is improved. Penalties are increased and all nets and gear unlawfully used are to be forfeited.

Flour Acquisition.—Act No. 52 extends for twelve months (to December 31, 1936) the operations of the Flour Acquisition Act, 1931–4, which empowers the Government to fix maximum prices for the products of wheat.

Forestry.—By Act No. 35 provision is made for the dedication of a number of areas adjacent to roads as reserves in perpetuity for the preservation of flora, and for local-governing councils and organizations to take part in the management of such areas. The Governor may also dedicate or set apart any area of Crown land, other than a national forest, as a catchment area for the protection of water-supply catchment areas and for the prevention of erosion. The commission is given authority to prepare plans, subject to ministerial approval, for the prevention or mitigation of erosion and silting of reservoirs on such reserves, for the preservation of native timber cover, and afforestation where it is considered desirable. The Act provides for the division of the State into three forestry districts, each of which is to come under the supervision of an inspector. The Governor is empowered to dedicate areas as national forests, and dedication will be revocable only by Act of Parliament. The powers of the commission to trade in timber are limited to the sale of logs or hewn merchantable articles. No new plantation of exotic species may be commenced nor any existing plantation of such species be extended until evidence is adduced satisfying the Minister that the soil, site and climate render the scheme desirable in the public interest. Provision is made for the commission to construct kilns for the experimental drying of timber.

Friendly Societies.—Act No. 36 extends the benefits of subvention payments in respect of members not covered by the 1932 Act. Members eligible for subvention as sick and/or funeral benefit members may obtain medical subvention without the qualification of fifteen years for the latter benefit. It also alters the subvention qualification for widows and widowed mothers of subvention members. A society is not entitled to registration unless the tables of contributions in respect of sickness and death benefits are supported by an actuarial certificate. The objects of a friendly society are expressly limited to those mentioned in the Act. A society may not now by its rules forbid the reference of a dispute to the Registrar, but the complainant must in the first place make every effort to have the dispute settled in accordance with the rules.

Gas and Electricity.—Act No. 42 repeals the Gas and Electricity Act, 1932, abolishes the position of the Commissioner for Gas and Electricity, and, generally speaking, re-establishes the principles on which charges for gas and electricity were regulated prior to the 1932 Act. Several new features are embodied in the Act, the principal of which is provision for regulating, controlling and co-ordinating electrical development throughout the State. In the sections relating to gas, power is given for the constitution of boards whose main function will be the determination of standard price

for gas. They may also inquire, when required, into various phases of the industry. Provision is made for the regulation of dividends, funds, accounts and the issue of shares; standards of heating power, purity and pressure of gas; and appointment of Gas Examiners by the Governor. The sections dealing with electricity establish an Electricity Advisory Committee of a representative character consisting of thirteen members. The committee will report to the Minister on any matter relating to the generation, transmission, supply or use of electricity, devise schemes for the co-ordination of electricity supply and furnish information in relation to various phases of the industry. Co-ordination has been further ensured by the provision that no person or council shall construct or establish an electricity generating station or install an additional main generating unit or main transmission line without first obtaining the Governor's approval and complying with any stipulated conditions. Any prescribed class, description or type of electrical wire, cable, appliance, fitting, meter, insulator, apparatus or material shall not be sold or hired unless approved by the prescribed authority. The Act establishes the Sydney County Council—consisting of the city of Sydney and thirty-two local governing areas—to exercise the powers of the City Council under the Municipal Council of Sydney Electric Lighting Act, 1896–1928, and to take over its electrical undertaking. This portion of the Act provides for a separation of the exercise of powers relating to policy from that of managerial direction and introduces in respect of the undertaking the City Manager plan. The Act provides for the constitution of a committee of five persons appointed by the councils of the areas supplied by the Electric Light and Power Supply Corporation Limited for the purpose of revising charges made for electricity supplied by that company. Arbitration is provided for in the case of failure to agree. The Electrical Contractors and Electricians Licensing Act, 1924–8, is repealed, and provisions are inserted in the Local Government Act with respect to the licensing of electrical contractors and electricians to replace the repealed provisions of the Act. The powers previously vested in the Gas and Electricity Commissioner for dealing with the supply of gas and electricity in cases of emergency affecting the community are vested in the Governor. Provision is made for inquiry into a proposed dismissal by the Sydney Municipal Council of the town clerk, city treasurer, health officer, city engineer, city surveyor or city building surveyor.

Industrial Arbitration (Theatrical Agencies and Employees' Licensing).—Act No. 3 requires all persons carrying on private employment agencies and theatrical agencies to be licensed, and theatrical employers to hold permits. The penalty for non-compliance as regards theatrical agents and theatrical employers is a fine not exceeding £50, with a fine up to £10 for each day the offence continues. The Minister is empowered to impose such conditions as he thinks fit for the protection of theatrical employees and performers, including the deposit of a security to ensure the payment of salaries and wages and the payment of return fares when performers are required to go outside the metropolitan area. A fine, not exceeding £250, or imprisonment for six months, or both, is provided for in cases where there has been fraud, extortion or immorality in connexion with the conduct of a theatrical agency or venture. The Act also amends the Industrial Arbitration (Amendment) Act, 1926, by providing that an adjustment of the living wage shall not automatically apply to any award or agreement unless application for a variation is made to the

Industrial Registrar within 60 days of the declaration or its publication in the *Gazette*.

Landlord and Tenant.—Act No. 33 extends to December 31, 1936, the operation of Parts II and III of the Landlord and Tenant Act, 1932, dealing with ejectments postponement and reduction of rent. Relief is also provided for certain owners of land which was leased many years ago for terms of 99 years or more. In cases where at the date when the lease was entered into the owner was not bound by statute to pay such rates, the lessee is obliged by the Act to pay them. [It was stated by the Minister in submitting the measure that in many cases owners were paying rates considerably in excess of the rentals received.]

Legal Practitioners.—This measure, No. 12, makes comprehensive provisions regarding solicitors and conveyancers. It provides for the keeping by solicitors of trust accounts subject to audit at the instance of the Council of the Incorporated Law Institute, and for the establishment of a guarantee fund to indemnify clients to a certain extent against defalcations. The fund is to be provided from annual subscriptions by solicitors generally, and supplemented, if necessary, by levies. The amount of subscription is to be not less than £3 or more than £10, provision being made for reduction by one-half in the case of a solicitor commencing practice in the second half of a year. Annual practising certificates, and the payment of an annual fee which will entitle the practitioner to the benefits of membership of the Incorporated Law Institute, are provided for. The fee prescribed is two guineas for every solicitor engaged in practice, and one guinea for a solicitor not in practice. A statutory committee is to conduct inquiries as to alleged professional misconduct, and is given power to suspend from practice, to fine, or strike off the rolls, delinquent solicitors, with appeal to the Supreme Court. The jurisdiction of the Supreme Court in these regards is left unimpaired. Other clauses of the measure preclude the admission of further conveyancers, while giving to conveyancers, subject to certain conditions, an opportunity to become solicitors. There are also provisions dealing with and specifying penalties in respect of unqualified persons who for gain engage in the preparation of legal documents and other legal work.

Local Government.—Act No. 8 facilitates the reduction of interest rates charged by trustees who lend money to councils, and who by the terms of their trust cannot reduce the rates. Councils are empowered to extend the term of loans by the issue of renewal loans. Act No. 24 extends the provisions of the Local Government (Superannuation) Act, 1927, to certain employees of urban and joint committees constituted under the Local Government Act, and employees of the Grafton and South Grafton Water Board. It also provides for the compulsory retirement at the age of 65 of any employee to whom the principal Act is applicable, but councils are given the power to extend the term of employment for a year or less at a time, with a limit of five years. This provision is to operate from April 1937. A large number of other amendments correct anomalies and provide generally for the smoother and more efficient working of the scheme and extend the powers of the Local Government Superannuation Board.

Maritime Services.—Act No. 47 provides for the exercise by the Maritime Services Board of functions connected with the State maritime services previously discharged by the Sydney Harbour Trust and the State Department of Navigation. The board consists of five commissioners, three of whom give full-time service, and two, representative of shipping and

commercial interests, only part-time service in a consultative capacity. While the board has control over all New South Wales ports, there is an Advisory Committee consisting of five members to give the board advice and assistance in respect of the Port of Newcastle. The term of appointment for the full-time commissioners is seven years, and for the part-time commissioners, three years. The Act vests in the Maritime Services Board all the powers exercised by the two bodies which previously functioned separately.

Married Women (Lecturers and Teachers).—The principal Act provided for the retirement of married women teachers and lecturers in the public service, except in certain cases where certificates of retention were granted, the object of the Government being to extend the scope for the employment of trainees who had passed through the Teachers' College. The whole of the teachers to whom the Act was applicable were not retired, and the amending legislation, No. 49, enables those who were married before November 30, 1932, and are still employed by the department to continue in their employment. Those teachers in respect of whom certificates of retention have not been issued beyond December 31, 1935, are given the right of election as to whether they shall remain in the service or whether they shall be retrenched under the old Act. A further amendment provides that a woman teacher with more than ten years' service who marries, and whose services are terminated under the Act, shall be eligible for a refund of her superannuation contributions only, in lieu of a double refund as provided in the original Act.

Mining.—This measure, No. 15, makes provision for the limitation of title, conferred by mining tenements (areas held under miner's right), to a period of one year, and for the annual registration of such tenements; the granting of authorities, for a short term, to construct works (races, etc.) on lands not open to occupation under miner's right; the reduction of labour conditions on gold-mining leases to one man for each ten acres; the further renewal of the term of leases granted under the provisions of the Mining Act, 1906, and also repealed Acts; the issue of licences to prospect on private lands to *bona fide* prospectors, with due preservation of the owner's interests; the restriction of mining in proximity to the house of a landowner; the enforcement of a penalty not exceeding £50 for failure to register all dealings (transfers, tribute agreements, etc.) in connexion with mining leases, and a penalty not exceeding £5 for each day such failure continues; the inspection of mines by geological surveyors at the instance of shareholders, and the publication of reports submitted; and the amalgamation of special mining leases.

Navigation (Wireless Telegraphy).—Act No. 44 provides for the installation of wireless telegraphy and the carrying of a competent operator on vessels engaged in the coastal trade of the State. Ships, not carrying passengers, when going to sea on a voyage not exceeding twenty-six nautical miles; when being towed by a ship provided with wireless; when on a voyage, without passengers, for repairs; and sailing ships, are exempted from the provisions of the Act. The Minister is empowered to make exemptions in special circumstances. The penalty for contravention is a sum not exceeding £100.

Parliamentary Electorates and Elections.—Act No. 31 facilitates the cleansing of the rolls by providing for the remedying of incorrect enrolments as between electoral districts, as well as between subdivisions in each electorate (as previously). Electoral officers are empowered, between

the issue of the writs and polling day, to rectify the erroneous enrolment of persons living close to boundaries between two electorates, and also to remove from the rolls the names of any persons not entitled to enrolment and who have made false statements in their claims for enrolment. Each candidate is required to deposit £25, which will not be refunded if he polls as first preference votes less than one-fifth of the number of first preference votes polled by the elected candidate.

Police Regulation.—Act No. 13 provides for the retirement of the Commissioner of Police at the age of 65 years, his suspension by the Governor for misbehaviour or incompetence, such suspension to cease unless his removal from office for similar reasons is declared permanent by resolution of both Houses of Parliament within the prescribed time. His position shall become vacant if the Commissioner accepts paid employment outside the police service, becomes bankrupt, absents himself from duty for fourteen days without the Governor's consent, or becomes insane. Additions are made to the list of discreditable actions in respect of which superannuation allowance to members of the police force may be forfeited. Penalties are provided for impersonating the police, or using the designation of detective without authority, or bribing a member of the force. Other provisions include the appointment of a Deputy Commissioner, and power to recall for duty a police pensioner whose incapacity, on medical examination, is found to have ceased.

Prevention and Relief of Unemployment.—Act No. 46 extends to July 31, 1936, Part II of the Prevention and Relief of Unemployment Act. This part of the principal Act provides for the setting up of an Unemployment Relief Council and advisory committees, and gives the Minister power to declare any public work to be a relief work.

Public Service Salaries.—Male officers who are married, or are widowers or divorced with dependent child or children, and female officers who are widows, deserted wives or divorced and have dependent child or children, are exempted from salary deductions where their salary does not exceed £300 per annum. In such cases, where the salary exceeds £300 the salary is not to be reduced below £300 by virtue of the application of the deduction. Act No. 27 provides for the restoration to public servants of 20 per cent. of the deduction made from salaries under the 1931 Act. (A similar restoration was made under earlier legislation.) It also alters the limit of salary for entrance to the higher grades in the professional and clerical divisions of the public service from £450 to a variable figure based on fluctuations in the adult living wage. Act No. 34 makes the partial restoration of salary deductions under the Public Service Salaries Amendment Act, 1935 (No. 27), operative as from April 1, 1935. Act No. 57 excludes from the provisions of the Public Service Salaries Act, 1931–5, the Chief Justice and the puisne judges of the Supreme Court, the judge of the Land and Valuation Court, the judges of the District Court and others who may be appointed to commissions with the status of a judge.

Special Income and Wages Tax.—Under Act No. 45, the amounts of tax payable by persons in receipt of wages of £5 per week and under were reduced by varying amounts up to 6*d*. per week. In the case of persons assessed from returns, reductions in tax were made in all cases where the income did not exceed £250. The reductions of tax in these cases vary in amounts to £1 5*s*. per annum. Reductions, both in wages tax and special income tax, operate as from January 1, 1936. The reductions of tax in the case of special income tax were effected by applying one-

half of the reductions to the full year's income. Provision was made to apply the previous year's rates of tax to assessments of foreign shipowners or charterers whose vessels visit the State before the passing of the rates for the current year.

Superannuation.—Act No. 26, which is an amendment of the Superannuation Act, 1919, provides for a refund of superannuation contributions to the personal representatives of a male contributor who is unmarried or whose wife is dead or divorced, and who dies whilst in the service. There is also a clause that an officer who has contributed to the fund for not less than five years, and suffers a breakdown in health, shall be entitled to receive the full pension for which he contributed at the time of such breakdown. The period was previously ten years. Further amendments place new employees under Schedule III of the principal Act on the same footing, in regard to contributions and transfer of insurance policies, as contributors who joined the fund since the commencement of the Act on July 1, 1919. Another provision enables any officer of the public service whose salary has been reduced from time to time to contribute for the lower scale of benefits relative to the lower salary.

Supreme Court and Circuit Courts (Prothonotary).—Act No. 14, which is an amendment of the Supreme Court and Circuit Courts Act, 1900, provides that the Governor may, with the concurrence of the Chief Justice, appoint a prothonotary, and a deputy-prothonotary of the Supreme Court. The prothonotary, whose duties are quasi-judicial, shall hold office subject to good behaviour, and shall retire at the age of 70 years, when he will be entitled to a pension at the same rate as provided for in the case of a puisne judge, and, in addition, to certain other privileges. [Prior to the passing of this Act, the prothonotary of the Supreme Court, who was an officer of the public service, was subject to the provisions of the Public Service Act, 1902, which requires that an officer shall retire from the service on attaining the age of 65 years.]

Swine Compensation.—Act No. 10 amends the principal Act by placing the obligation for fixing swine duty stamps in the record of pigs slaughtered at an abattoir upon the persons on whose behalf pigs are delivered to the abattoir. Formerly, the obligation was upon the owners of the pigs, or the agents. The Act also allows fourteen days after delivery for the making of entries in the record and the fixing of swine duty stamps therein. Act No. 9 imposes a stamp duty of 9*d.* for each pig delivered for slaughtering in accordance with the provisions of the Swine Compensation Acts, 1928 and 1935. This duty represents a reduction of 3*d.* on that formerly operative.

Warehousemen's Liens.—Act No. 19 was passed to enable storers of personal property of every description to recover their storage fees and other incidental charges. The Act provides that a warehouseman with whom goods are deposited for storage shall have a lien over such goods for the amount of all lawful charges, including storage, preservation, insurance, transportation, etc. Where the goods are deposited by a person entrusted with their possession the warehouseman shall give prescribed notice of the lien to the owner, to any claimant who has served notice on the warehouseman and to the grantee of the goods under a registered bill of sale. Any goods upon which a lien for charges has become due may be sold by public auction, subject to prescribed notice being given by the warehouseman to the parties mentioned, and to the sale being advertised in the newspapers. From the proceeds of the sale the warehouseman, having satisfied his lien,

shall pay over any surplus to the person entitled thereto, or, if the rights are uncertain, to the Public Trustee to be held by him on behalf of the person entitled to such amount. Provision is also made whereby the owner may make application to a court of petty sessions for a stay of proceedings.

Wool, Hide and Skin Dealers.—Act No. 40 provides for the registration of all persons buying and selling wool, hides and skins, and the issue to them of annual licences. All purchases are to be held for twenty-four hours, or longer up to three days if required, without the alteration or obliteration of brands, etc., or the disposal of the goods in any way. Records are to be kept of all dealings in such goods. The police may enter and search certain premises and vehicles and inspect wool, hides and skins. The penalty for contravention of the Act is a fine not exceeding £50, or imprisonment not exceeding twelve months.

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[*Contributed by* ALLAN J. EASTMAN, ESQ., B.A., LL.B., *Barrister-at-Law.*]

During the session of 1936 sixty-two public Acts were passed by the New South Wales legislature. Of these a fair proportion are of no general interest, but the following, including some measures of considerable importance, are deserving of mention.

Public Trustee.—Act No. 2 provides that the Public Trustee shall cease to hold office in certain circumstances, *e.g.* death, bankruptcy, etc., and provides for his suspension and removal. Provision is also made for the appointment of Deputy Public Trustees who are entitled to the immunities and may exercise and discharge any of the powers and duties of the Public Trustee subject to the restrictions and conditions imposed by him. No person shall be concerned to inquire whether any act, dealing, etc., by or with the Public Trustee, a Deputy Public Trustee or agent is within their respective powers, or, in the case of a Deputy Public Trustee, whether any restriction is imposed on him. All acts or things done or omitted by such Deputy Public Trustee shall be as valid and effectual as if done or omitted by the Public Trustee.

Wheat and Wheat Products.—Act No. 3 makes an important addition to the statutes dealing with controlled marketing. Provision is made for the appointment and constitution of a Wheat Board, which is to be a body corporate (s. 5). The Board is empowered to purchase and/or dispose of wheat or warrants, to enter into agreements with wheat growers, to enter into financial arrangements with any bank, to make advances in respect of wheat represented by home consumption warrants and to provide for administration expenses (s. 7). Proceeds of wheat or warrants sold, after deduction of expenses and repayment of advances, are to be applied in payment to growers on the basis of the net proceeds of sale of all wheat grown from a crop sown in the same year and of the same quality and on the basis of the proportion of wheat of such grower and having regard to the other circumstances, if any, affecting the amount payable to such grower (s. 7). The Minister may determine the maximum proportion of wheat which may be made available for human consumption in the course of intrastate trade or commerce in New South Wales (s. 9). Provision is also made for the licensing of receivers of wheat (s. 10). No wheat grower shall in the course of intrastate trade or commerce sell in excess of the quota for the time being in force any wheat grown from a crop to which the quota applies (s. 15(1)). Any wheat grower who, except in the course

of trade or commerce between the States or except as permitted by this Act, delivers any wheat except to a receiver, shall be guilty of an offence against the Act (s. 11). Receivers are to give receipts to wheat growers (s. 14). The Board shall prepare in favour of wheat growers' home consumption warrants in respect of the proportion of wheat delivered by such grower to a receiver, to be ascertained by applying to all the wheat of such grower the quota applicable to the crop, and shall issue export warrants for the balance (s. 15 (2)). The Board may, by notice in writing, require any receiver to furnish to the Board information in relation to such matters as are specified in the notice (s. 18 (1)). Unless exempted by regulations, wheat processors shall not, in the course of the intrastate trade and commerce of the State, sell wheat products manufactured by them in excess of the quantity manufactured by them from the quantity of wheat in respect of which they have purchased home consumption warrants (s. 19 (1)). Wheat processors shall keep records showing: (i) wheat products manufactured by them during each month; (ii) wheat used by them during each month in the manufacture of wheat products, and (iii) warrants bought and the use made of them (s. 20). Every receiver shall keep such records as are prescribed, and shall furnish to the Board monthly returns relating to wheat delivered to and by him (s. 22). By s. 28 in any prosecution for an offence against the Act, the averment of the prosecutor that any wheat or wheat products were on the occasion therein stated the subject of intrastate trade or commerce shall be deemed to be proved in the absence of proof to the contrary. Sections similar to the above, reversing the onus of proof, are finding their way into the statute book with increasing frequency.[1]

District Courts.—Act No. 4 amends the District Courts Act, 1912, so as to allow execution to be issued on default judgments. This although done in practice was not provided for by the Act, and the amendment has been made retrospective to the commencement of the Act.

Wheat Growers' Relief.—Act No. 9 provides, *inter alia*, for the application of certain moneys paid to the State by the Commonwealth of Australia, for the relief of wheat growers pursuant to the Wheat Growers Relief Act, 1936, of the Commonwealth Parliament.

Oaths.—Act No. 12 amends the Oaths Act, 1900, and prescribes a penalty for taking and receiving statutory declarations without authority.

Workmen's Compensation.—Act No. 13 amends the Workmen's Compensation (Silicosis) Act, 1920, and provides for the determination of compensation payable for the death or disablement of a worker by silicosis, or silicosis and tuberculosis or any other disease of the pulmonary or respiratory organs caused by exposure to silica dust.

Industrial Arbitration.—Act No. 14 provides, *inter alia*, for the appointment of an additional member of the Industrial Commission, amends the law relating to the appointment of members of conciliation committees and extends the powers of apprenticeship councils.

Government Railways and Transport.—Act No. 19 amends the Government Railways Act, 1912–34, and the Transport Act, 1930, and makes provision for compensation payable to officers of the Department of Railways or of the Department of Road Transport and Tramways who have been incapacitated by injury.

School Forests.—Act No. 20 authorizes the Governor to set apart portions of State forests and Crown lands as school forest areas and to provide

[1] See *infra*, Acts Nos. 30, 32.

for the management of such areas. Provision is made for the application of moneys derived from the sale of timber and other products of school forest areas in the advancement of education.

Public Instruction and University.—Act No. 21 provides, *inter alia*, for the constitution of district councils and parents' and citizens' associations in connexion with State schools. Provisions are made for the constitution of an Advisory Council on Education and a Board of Secondary School Studies. Alterations are also made in the conditions on which university exhibitions are granted.

Trade Union.—Act No. 23 amends the Trade Unions Act, 1881, by providing, *inter alia*, for certain formalities for the change in name or amalgamation of trade unions.

Roman Catholic Church (Trust Property).—Act No. 24 constitutes trustees for dioceses of Roman Catholic Church property as bodies corporate, provides for the vesting of Church property in such bodies corporate and prescribes their powers.

Firearms.—Act No. 30 is a measure of considerable importance passed to tighten up the law relating to firearms and airguns.

By this Act the following important sections are introduced into the Police Offences Act, 1901 : By s. 41C (1) no person under the age of fourteen years, and no person who is intoxicated or of unsound mind, shall use, discharge, carry, buy, sell, keep or knowingly have in his possession a firearm or airgun. S. 41C (2) prohibits selling, letting, hiring, giving or lending a firearm or airgun to any such person. S. 41C (5) prohibits the discharge of a firearm or airgun on private property without the consent of the owner or occupier ; certain exemptions from s. 41C (1) are made in favour of soldiers, gunsmiths or gunsellers, and agents or servants of the proprietor or lessee of a shooting gallery, or persons under the age of fourteen years using such weapon under the supervision of a responsible adult. The use of maxim silencers and the sale of certain cartridges to young persons are prohibited by ss. 41F, 41G. By s. 41H a penalty is imposed on a person in possession of a firearm or airgun who does not take reasonable precautions for its safe keeping. S. 41I gives the police power to search premises for firearms. The parent or guardian of any child under the age of fourteen years who is in possession of a firearm or airgun is made punishable by s. 41L ; however, it is a sufficient defence to proceedings under this section if the person charged proves that the use or possession was without his consent or knowledge, and that he took all reasonable precautions to prevent the use or possession of the firearm or airgun by the child, or that the child was using the firearm or airgun under the personal supervision of a responsible adult. Penalties are also imposed upon discharging firearms or airguns in a street or public place, illegal possession of a gas pencil, etc., and possession of firearms by convicted persons or persons found consorting with criminals or prostitutes (ss. 41N, O, P, Q). Power is also given to the police to search suspected persons (s. 41R). Two new sections are also introduced into the Police Offences Act, reversing to some extent the onus of proof in the case of prosecutions. By s. 41K in any prosecution under the Act where it is averred that a person is under the age of fourteen years, this shall be deemed proved in the absence of proof to the contrary, and by s. 41Q in any proceeding for a contravention of that section, the burden of proof that the firearm or airgun was in the room, shop or office for some lawful purpose shall lie upon the person accused.

The Act also introduces several new sections and several amendments to the Pistol Licence Act, 1927, including the following: A new definition of "pistol" is inserted, namely "any lethal weapon of any length of barrel from which any shot, bullet or other missile can be discharged, designed for aiming and firing from one hand, and which is reasonably capable of being carried concealed about the person, but does not include a toy pistol or an antique pistol which is kept or sold as a curiosity or ornament." Provision is made for the return of revoked pistol licences, and also of pistols the subject of revoked licences (ss. 8, 8A). By s. 10A a record must be kept by importers and dealers of pistol dealings. By s. 11A the holder of a licensed pistol must produce it on demand to an officer of police. By s. 17B the taking of a pistol in pawn is prohibited.

Aborigines Protection.—Act No. 32 makes further provisions as to the protection and care of aborigines. In any prosecution the averment in the information that any person named therein is an aborigine shall be sufficient evidence of truth in the absence of proof to the contrary.

Companies.—Act No. 33 is the most important statute passed during the session of 1936. Comprising in all three hundred and eighty sections, it has introduced important and far-reaching changes in the company law of New South Wales. Prior to the passing of this Act the statute dealing with this subject-matter was the Companies Act of 1899, which was almost entirely a transcription of the English Act of 1862. Certain of the later amendments of that English Act were adopted in New South Wales by separate amending Acts, *e.g.* those dealing with alteration of objects, foreign companies and the registration of debentures. The majority of the amendments to the English Act, however, were not introduced here, and until 1936 the substantial basis of our company law remained the Act of 1862. The new Act, however, is based largely on the English Companies Act of 1929, and so at one stroke adopts nearly all the amendments to company law evolved in England over a period of sixty-seven years. In addition, certain provisions have been copied from the various Companies Acts of the other States of the Commonwealth and New Zealand. As can be readily appreciated, this constitutes a somewhat violent change.

It is obviously impossible to give a detailed survey of the alterations thus effected, but mention might be made of some of the more outstanding innovations. The new Act introduces a class of special shares, called "workers' shares," which may be issued to persons employed in the service of the company, unless the company is expressly prohibited from so doing by its memorandum of articles. Such shares have no nominal value and do not form part of the capital of the company. This provision is modelled on the scheme of "labour shares" in the New Zealand Companies Act, 1933. The Act also introduces for the first time to New South Wales provisions with regard to private companies which are dealt with under the title of "proprietary companies." The scheme of these companies is an adaptation of the provisions of the Imperial Act dealing with private companies, but the term "proprietary companies" has been copied from the Victorian Act, No. 3659. The expression "proprietary," however, has been in use in N.S.W. for many years in the case of companies with limited membership, but its use had not been restricted to companies which fall within the description of proprietary companies as set out in the new Act.

Factories and Shops.—Act No. 37 amends the Factories and Shops Act, 1912–35, and certain other Acts in certain respects; consolidates and amends the law relating to day-baking and the early closing of shops and

the licensing of hairdressers and tobacconists ; regulates the tuition of persons in the trade of hairdressing ; repeals the Early Closing Act, 1934, the Day Baking Act, 1926, and certain other Acts.

Income Tax.—Following on the report of a recent Royal Commission on taxation, the following Acts were passed with a view to uniformity of operation of taxes : Income Tax Management Act, No. 41 ; Special Income Tax and Wages Tax (Management) Act, No. 43 ; Special Income Tax and Wages Tax Act, No. 44 ; Income Tax Act, No. 46.

Landlord and Tenant.—Act No. 50 provides certain conclusive presumptions as to tenancy, etc., on proof of payment of rent. Tenancies so presumed are determinable in the absence of proof to the contrary at the will of either party on a week's notice in writing if rent paid weekly, or by a month's notice in writing in any other case. Notice to quit or of intention to quit may expire at any time. Where the landlord has conveyed land to a purchaser, notice in accordance with the Act given to the tenant is to operate as an attornment to the purchaser. This Act also provides amendments of and provisions for the duration of the Landlord and Tenant Amendment Act, 1932–5.

Demise of the Crown.—Act No. 55 amends the Demise of the Crown Act, 1901, and the Constitution Act, 1902, by extending the meaning of " demise " of the Crown to include a demise by or upon abdication.

Moratorium.—Act No. 58 introduces provisions of considerable practical importance and also amendments to rectify some anomalies and weaknesses revealed in the working of the principal Act. The following comprise the more important provisions : If a mortgagee in possession of mortgaged land has been paid or tendered, or has received out of the rents and profits of the mortgaged property a sum sufficient to discharge all interest due to him and to all prior mortgagees, the court may order him to give up possession. A mortgagee in possession shall on request in writing supply the mortgagor or puisne mortgagee with a verified account showing the rents and profits received and moneys appropriated or paid by him for interest, rates, taxes and other outgoings. The court may order cross-examination on such account. A similar provision is applied to a mortgagor in receipt of rents. These sections were passed to overcome the ordinary rule that a mortgagor is not entitled to have accounts taken unless he desires or offers to redeem, or the mortgagee desires to terminate the option of redemption by foreclosure, or after a sale by the mortgagee. The new sections enable one of the parties desirous of making an application under the Act to find the exact position of the accounts between himself and the other parties to the mortgage. Further provisions are also made with regard to the consent by a mortgagor to the exercise of powers by a mortgagee. Municipal and Shire Councils are in certain events debarred from bringing suit for a charging order for rates. Certain provisions are introduced with regard to the capitalization of interest. Further restrictions are imposed on the rights of mortgagees. Where, under a mortgage to which Part II of the Act applies, the mortgagee is empowered to expend moneys in payment of rates, taxes, etc., or for the preservation, protection or benefit of the property, and to add the amount of such payments to the mortgage debt, then, unless such moneys are expended with the consent in writing or at the request in writing of the mortgagor, the protection of the Moratorium Act extends to the mortgagor in respect of such moneys. A new subsection is inserted providing that nothing in this Act or in any enactment by this Act repealed

shall be construed to prevent a mortgagee of a debt, trust fund or other chose in action (other than a mortgagee of a mortgage debt) from suing the debtor, trustee or other person against whom the chose in action is enforceable, to recover any moneys due and payable by such debtor, trustee or other person under or by reason of such debt, trust or other chose in action or from receiving from such debtor, trustee or other person such moneys.

Housing Improvement.—Act No. 59 constitutes a Housing Improvement Board of N.S.W., confers and imposes certain powers, authorities, duties and functions on the said Board and on certain Councils in relation to the elimination of unsatisfactory housing conditions, provision of housing accommodation and certain other matters.

Bills of Sale.—Act No. 62 makes a number of amendments in the Bills of Sale Act, 1898, of which the more important relate to the following matters: overcoming various irregularities in bills of sale and their registration; regulation of the exercise of the power of sale; requiring declaration as to ownership by the grantor of a bill; making certain special provisions as to traders' bills of sale (*i.e.* bills of sale given by persons engaged in selling by retail over plant and stock) which, *inter alia*, are not to be valid unless filed, and against whose filing a caveat may be entered, and making a new provision for consent of spouse to a bill of sale granted in respect of household furniture.

3. QUEENSLAND.

[*Contributed by* J. E. Broadbent, Esq., I.S.O., B.A., *Parliamentary Draftsman.*]

The Session commenced on August 11, 1936, and ended on December 3, 1936, during which thirty-nine Acts were passed, including three Appropriation Acts.

Constitution.—Act No. 34 increases the salaries of Ministers and Members as from July 1, 1936, by £150 per annum. Hence the salaries are—Members, £650 per annum (previously £500 per annum); Ministers, £1,150 per annum and Speaker, £1,150 per annum (previously £1,000 per annum), Premier receiving £300 additional as previously; Leader of Opposition and Chairman of Committees, £850 per annum (previously £700 per annum).

Income Tax.—No. 32 is a measure consolidating and amending the laws relating to the imposition, assessment and collection of tax upon incomes. The measure is based on the report of the Royal Commission on Taxation which inquired into the simplification and standardization of the Income Tax Laws of Commonwealth and States. The basis of the measure is uniformity, and a considerable measure of uniformity with the Commonwealth measure (which formed the basis of the uniform legislation) was arrived at. Concessional deductions, however, have been preserved.

Act No. 33 consists of a rates of tax Act, and is read in conjunction with the last Act. The principle of uniformity above referred to requires two measures.

Local Bodies Loans Guarantee and Audit.—Act No. 28 permits a local body such as a local authority or harbour authority having statutory power to borrow to obtain loans not only from a bank or financial institution, but from other lenders who may be persons, and bodies corporate or unincorporate, subject to approval of the Government, and the guaranteeing

by the Government of such loans or portion thereof as approved. The Audit Office is created a separate Department of State with the Auditor-General as permanent head thereof.

Motor Vehicles Insurance.—The object of Act No. 31 is to require the owners of motor vehicles to insure against their liability to pay compensation on account of injuries caused by, through or in connexion with such motor vehicles. The owner of a motor vehicle shall at all times during registration or renewal indemnify himself and keep himself indemnified by a contract of insurance with the Insurance Commissioner or with some licensed insurer against all sums for which he shall become legally liable by way of damages in respect of such motor vehicle for accidental bodily injury (fatal or non-fatal) to any person other than a person living with the owner as a member of his family, or in the service of the owner, or being conveyed in or entering or alighting from such vehicle, where such injury is caused by, through or in connexion with such motor vehicle. A contract of insurance under this Act shall be deemed to comply in full with the requirements of the measure if the total liability of the Insurance Commissioner or licensed insurer thereunder is not less than the sum of £750 in respect of injury to any one person whatsoever and however arising out of any one accident or series of accidents arising out of any one event. Usual machinery provisions prescribed. It is also provided that every claim for accidental bodily injury (fatal or non-fatal) to any person caused by, through or in connexion with a motor vehicle insured under this Act which is brought before the Supreme Court shall be heard and determined by a judge without a jury.

Race-courses.—Act No. 24 is a measure based in the main on certain resolutions found by the Racing Commission, which made extensive inquiry into betting and racing generally. Certain new principles are inserted in the former law. Bookmakers may operate at coursing meetings, subject to tax and prescribed regulations. The Minister has an absolute discretion to grant to an athletic club approved by him permission to allow bookmakers to operate at athletic sports meetings. But such bookmakers are not permitted to make bets on events other than the coursing or athletic events on the grounds on which they are so operating. Night trotting is prohibited, except in respect of agricultural show societies. Coursing by means of a mechanical quarry (tin hare) is absolutely prohibited throughout the State. Night coursing is also prohibited. Coursing meetings within the City of Brisbane are restricted to two meetings per week. Coursing and athletic bookmakers can sue and be sued in respect of their bets made on the ground concerned, similarly as bookmakers on a race-course can so sue and be sued. Wide power by regulation is given to the Governor in Council with respect to race-courses, *e.g.* maximum prices of admission, standards of totalizators and denomination of tickets may be fixed. Regulations may also prescribe that the rules or amendments of a racing principal club shall be submitted for approval or otherwise of the Minister.

As to suppression of gambling—the term " place " is extended to include a vehicle. Wider powers as to penalties are imposed on persons exhibiting placards or advertising betting houses ; the publication in newspapers of racing odds is prohibited. Tipster's advertisements are unlawful. Provision is also made prohibiting any place to be opened, kept or used for the purpose of conveying therefrom during the time when a race meeting is in progress on a race-course to persons not on the course

information concerning the race to be held, particulars of starters, non-starters, riders, barrier positions, betting and weight adjustments. Search warrants may be issued to search such places or subsidiary places with power to seize books and documents and arrest persons found therein. It is also an offence for a person to convey or attempt to convey from a racecourse to any person not on the course information similar to the above. A licensed victualler who permits his premises to be used for betting purposes is liable to a heavy penalty; the licensee moreover shall be deemed to have permitted the betting unless he proves that he did not know and had no means of knowing that his premises were so used.

Stringent penalties are provided for publishing threatening, abusive or insulting words calculated to defame any person. It is also an offence to distribute such words or to have the same in the offender's possession. Power is given to search and take possession of printing presses or other machines printing scurrilous words. No person shall permit or induce an officer of the public service to disclose the contents of any confidential parliamentary Bill or paper. If any person has knowledge of these documents a member of the police force is empowered to call upon him to disclose in full his source of information. It is immaterial whether the Bill as laid before Parliament was different from the Bill unlawfully disclosed.

Whaling.—Act No. 14 is a small amendment of the principal Act of 1935 to bring the same into conformity with the Commonwealth law. A ship designed and equipped for taking, killing or treating whales shall not be brought into any port or place in Queensland, unless the owner or charterer of the ship is the holder of a licence authorizing the ship to be used for taking, killing, or treating whales, *or the ship is duly authorized by the Government of the country, whose flag she flies to engage in taking, killing or treating whales.* The words in italics were inserted at the request of the Commonwealth in accord with the principle of uniformity in legislation dealing with the subject.

Workers' Compensation.—Act No. 21 increases the maximum insurance payable at death from £600 to £750. A minimum amount of compensation fixed at £100 is payable to dependents of a deceased worker who are not wholly dependent upon him. Where a worker under the age of twenty-one years meets with a fatal accident leaving no dependents, but survived by his parents, compensation up to £100 is payable to them. New schedule rates provided in the scale of compensation for losses in connexion with fingers and toes and joints.

Dairy Products Stabilization.—The principal Act of 1933 was limited to three years' operation from February 8, 1934. Act No. 10 removes that limitation.

Farmers' Assistance (Debts Adjustment).—Act No. 16, passed at the request of the Commonwealth, permits the bringing of State Crown Debts into schemes for composition and stay orders. They were excluded in the principal Act.

Veterinary Surgeons.—Act No. 17 makes provision for the registration of veterinary surgeons. The creation of a Faculty of Veterinary Science at the University of Queensland has brought into prominence the question of the regulation of the profession of veterinary surgeon. The measure follows in the main the principles laid down in the various professional registration Acts, at the same time safeguarding the interests of persons who have had no opportunity of acquiring academic qualifications but

who have over a period of five years earned their living by the practice of veterinary surgery. Due provision is made for the constitution of the necessary Board and qualifications for registration prescribed. The measure is to be read and construed with the Health Acts and the Veterinary Medicines Acts, and there is the usual regulation-making power.

Wool Draft Allowance Abolition.—Act. No. 9 seeks to abolish the mercantile custom of what is known as the wool draft allowance. The Act does not, however, operate until proclaimed.

Health.—The main object of Act 1 Geo. VI, c. 5, is to make paramount the Health Acts in matters appertaining to health generally, and the preservation of the powers of the Director-General of Health. Private hospitals will be licensed by the Minister instead of by the local authority as formerly, and there is wide power to make regulations dealing with the matter, such as provisions as to the construction, prevention of overcrowding, proper escape from fire and other such matters.

Hospitals.—Act 1 Geo. VI, c. 4, is in the nature of a hospitals consolidation Act and brings in concise form the various laws dealing with hospitals and hospital management. Applications for appointment as medical superintendent or medical officer to any hospital shall be submitted to the Director-General of Health for report and investigation.

Due provision is made for the creation of hospital boards and districts. Important provisions deal with finance, such as the keeping of the proper funds—general, trust and loan fund. Budgeting provisions are also provided. Before proceeding to borrow, a hospital board must obtain the sanction of the Treasurer. Proper books and accounts must be kept, and accounts are subject to audit by the Auditor-General. Wide power is given to a Board to make by-laws for the proper exercise of their functions of the treatment of the sick, and a by-law approved by the Governor in Council and duly published has the force of an Act. Certain powers too are exercisable by the Governor in Council over what are termed " voluntary hospitals," *e.g.* in respect of administration and finance.

Honorary medical officers hold their appointment at pleasure. There is also power given to the Minister to cause inquiry to be made into the conduct of houses kept for the reception of aged and infirm persons.

Local Government.—Act 1 Geo. VI, c. 1, is a comprehensive consolidating and amending measure. The original Act was passed in 1902 and has been frequently amended since. The principle of this measure is to an extent based on that obtaining in the City of Brisbane Acts in that a wide power of self-government is granted to local authorities generally, and the by-law making power has accordingly been considerably extended. Opportunity is also taken to arrange the measure on a convenient basis. For instance, the powers of the Governor in Council are concisely set forth in one somewhat lengthy section. It may be mentioned that the power to dissolve a Council is widened in that the Governor in Council may dissolve a Council in his absolute discretion in addition to action being taken upon the petition of one-fifth of the electors of the area. Stringent provisions are inserted dealing with disability of members from voting on account of interest in contracts. The finance provisions are concisely set forth, such as the keeping of the proper funds and banking accounts. A budget of estimates and expenditure must also be framed and adopted similar in principle to a State budget. Proper financial statements must also be prepared. A local authority must first obtain the sanction of the Treasurer before entering upon borrowing negotiations. A perusal of the measure

will indicate that the functions of local government are expressed in wide terms. The local authority is charged with the good rule and government of the whole or any part of its area, and shall have the control of the working and business of such good rule and government. Power is also given to the local authority to take land and provide, acquire, construct, manage, control and carry on works, services and undertakings with all associated or ancillary works and services. The by-law making power is very extensive, and once a by-law has been passed by the local authority and approved by the Governor in Council and published in the *Gazette* it has the same force as an Act. Wide powers are delegated to the local authority in respect of sewerage, drainage and sanitation. Generally, the measure is a complete consolidation of the repealed law relating to local authorities with improvements as time has shown to be necessary in connexion with the proper administration of local government in the State.

Pharmacy.—Act No. 23 makes various amendments in the principal Act, the more important of which may be observed. Every pharmaceutical chemist and every company or association carrying on such business shall license each and every shop and/or dispensary. Provisions, moreover, deal with infamous conduct in a professional sense by companies and associations through their employees. Due provision is also inserted setting forth when a company or association of chemists may lose their exemption from the restrictions contained in the principal Act, the object of such provisions being in the direction of the curtailment of " chain-store " chemists. Provision is also made extending the Profiteering Prevention Act to pharmaceutical goods, and the Commissioner of Prices has jurisdiction to fix the maximum prices thereof accordingly.

Wages Attachment.—This amending Act, No. 22, provides that no order attaching or charging the wages of any worker shall be made by any court or justice except as follows. In respect of the wages of any single worker having no persons dependent upon him, if the amount of wages exceeds the rate of £2 per week, any surplus above that sum shall be liable to attachment; and in respect of the wages of any single worker having dependents on his wages or of any worker who is married, if the amount of wages exceed the rate of the basic wage per week, any surplus above that sum shall be liable to attachment. The " basic wage " means the basic wage declaration of the Industrial Court as to the weekly basic wage of an adult male employee in Brisbane. This basic wage has been for some years £3 14*s*. per week, but it has been recently increased to £3 18*s*. by the Court.

Auctioneers and Commission Agents.—Act 1 Geo. VI, c. 2, tightens up several weaknesses in the existing law and gives further protection to the public. Motor dealers will be required to register as commission agents. Applicants for a licence must be of good fame and character, and the registrar may appear in court on such application. Breach of trust account provisions may entail cancellation of the licence. An auctioneer or commission agent is not entitled to sue for fees in excess of those prescribed. Moreover it is an offence to charge such excess fees, and the court may order a refund thereof. A penalty is imposed upon a licensee who makes to any purchaser false representations as to property for sale. It is also an offence on a licensee failing to comply with an order of the court in respect of payment of moneys. Where there are proceedings in the Supreme Court, if the court is of the opinion that any licensee who is a

party is not a fit and proper person to hold a licence, the court may order that the licence be cancelled and that the licensee concerned may be disqualified either permanently or for a defined period from becoming a licensee. Extensive powers are given to the Auditor-General or the Minister to audit the books and accounts of a licensee. Further powers in the making of regulations are given to the Governor in Council prescribing fees, commissions and charges which licensees are entitled to charge, which may vary in different districts or in respect of different transactions ; also wider powers as to the audit of trust accounts are given in like manner.

Legitimation.—Act No. 19 amends the principal Act of 1899 by extending facilities for the legitimation of children. Where a mother of an illegitimate child claims to have married (whether before, on or after the passing of this amending Act) the father of such child since the birth of such child and its father has died (whether before, on or after the passing of this amending Act) without having taken steps in his lifetime to legitimate his child, the mother may make application to a registrar of births for such legitimation. The matter is heard before a court consisting of a police magistrate or by justices appointed by the Attorney-General. On the production to the registrar of a certificate of the court that it has been proved to the satisfaction of the court that the husband of the applicant was the father of the child it shall be the duty of the registrar to register the child as legitimate. Certain estates, rights and interests are not affected by the provisions of this section.

Statutes Reprint.—Arrangements have been made by the Government of Queensland with a publishing company for the publication of an annotated reprint of the Public Acts of Queensland with amendments incorporated. This work is in progress at the present time. As it is desirable that all courts and persons acting judicially should be empowered to take judicial notice of this reprint, Act No. 30 provides for that object. A certificate will be given by the Attorney-General as to the correctness of the reprint after a report has been received from the Editorial Board as to such correctness.

Industrial Conciliation and Arbitration.—Act No. 4 enables the Industrial Court to fix salaries of Governmental employees and gives the court full power in this regard ; the court prior to this Act was required to observe orders in council under the Salaries and Financial Emergency Acts in respect of salaries over £500 per annum. This provision has accordingly been excised.

Unemployed Workers Insurance.—The principal Act provided that no person should be entitled to receive sustenance allowance whose earnings during the twelve months preceding the date of his application for sustenance allowance exceeded the sum of £300 per annum. Act No. 25 removes that limitation. The Act also allows sustenance allowance to be paid up to eight children under sixteen years of age instead of up to four children as previously.

Federal Aid Roads.—Act No. 27 extends the existing agreement between the Commonwealth and this State regarding the construction, reconstruction, maintenance or repair of Federal Aid roads in this State for a period of six months, *i.e.* the agreement will expire on June 30, 1937, instead of as at December 31, 1936.

Act 1 Geo. VI, c. 3, authorizes the State of Queensland to enter into a further agreement with the Commonwealth for a period of ten years

from July 1, 1937, in connexion with Federal Aid roads. On the completion of the agreement the same is published in the *Gazette* and thus becomes in force and legally binding on the parties.

Land.—By Act No. 3 overstocking an occupation licence is curtailed. Further relief is extended to certain lessees who owing to adverse conditions have been unable to fulfil certain development or stud conditions. Provision is also made for the extension of the period for which reduced rents in respect of certain sheep holdings are payable. Wider powers are granted to the Prickly Pear Commission in respect of the destruction of prickly pear on land of whatever tenure. Wider powers are given to the Minister in respect of the opening up of land and the fixation of various tenures thereof in irrigation areas.

Sawmills Licensing.—Act No. 2 has for its object the stabilization of the timber industry by the licensing of sawmills and veneer and plywood mills. In 1935 the Timber Advisory Committee reported that unless there was some control over the erection of sawmilling plants much capital would be wasted through the erection of plants that were not justified either by the quality of log timber available to give the mill a reasonable life or by the demand for the same product. Hence the object of this Act is to assist towards the stabilization of the industry by a system of licences from the Crown. The administration of the measure is entrusted to the Forestry Board subject to the Secretary for Lands. No person shall without a licence from the Minister erect or cause to be erected or utilize or cause to be utilized any sawmill. A contravention of this provision constitutes an offence. Fuel mills are exempt. Certain saving provisions are inserted in respect of the rights of holders of existing sawmills. A penalty is provided, moreover, for the unauthorized removal of a sawmill from the site endorsed on the licence to another site, or for the unauthorized increase of maximum productive capacity as endorsed on the licence. Regulations may be made to give effect to this Act.

Stock Routes Improvement and Animal and Vegetable Pests Destruction.—Act No. 8 will operate only in such districts as the Governor in Council shall from time to time declare. In other words, unless any such district is proclaimed, the present Local Authority (Grazing Districts Improvement) Acts shall apply and be in force. When, however, a district is proclaimed, all the powers hitherto had and exercised by a local authority dealing with the matters of stock routes and pests shall pass from the local authority and vest in the Minister for Lands. Moreover, there is also power to vest the powers of rabbit boards in the Minister and to abolish such boards. The usual machinery sections are provided.

Water.—The main object of Act No. 7 is to restore sub-artesian wells under the ambit of the Commissioner of Water Supply which were removed from his jurisdiction in 1930. But these provisions shall only operate in prescribed districts. The Commissioner has authority to construct water works on behalf of water authorities. To prevent wastage of this national asset, the Commissioner may cause repairs to be effected by a water authority in certain cases. Further powers are given to the Commissioner to prevent wastage in respect of wells owned by private lessees.

Elections.—Act No. 18 gives power to a blind elector to appoint an elector to accompany him to a polling booth and mark his ballot paper for him, instead of being required to vote openly before a presiding officer as formerly.

Land Tax.—Act No. 15 gives power to the Commissioner of Taxes to notify the tax-payer of the date on which his land tax shall be due and payable by notification on his assessment notice, instead of a proclamation of a general due date.

4. SOUTH AUSTRALIA.

[*Contributed by* E. L. Bean, Esq., C.M.G., M.A., L.L.B., *Parliamentary Draftsman.*]

The parliamentary session of 1936 was marked by further efforts on the part of the Parliament of South Australia to improve the statute law of the State. There were two long Statute Law Revision Acts repealing obsolete enactments and making a great number of small amendments. There were also large consolidating and amending measures on Income Tax Assessment, Marriage, Births and Deaths Registration and Marine Law, in addition to purely consolidating Acts on the following subjects. Bread (No. 2308), Children's Protection (No. 2279), Fire Brigades (No. 2272), Harbours (No. 2290), Landlord and Tenant (No. 2301), Legal Practitioners (No. 2304), Metropolitan and Export Abattoirs (No. 2291), Pastoral (No. 2274), Phylloxera (No. 2209), Prevention of Cruelty to Animals (No. 2273), Prisons (No. 2305), Public Library, Museum and Art Gallery and Institutes (No. 2314), Public Service (No. 2281), Renmark Irrigation Trust (No. 2319), Railways (No. 2303), Trustees (No. 2270), Vaccination (No. 2300), Water Conservation (No. 2320) and Wills (No. 2302).

Apart from this work, the session produced the usual crop of miscellaneous amendments.

Justices.—Act No. 2261 amends the law relating to courts of summary jurisdiction. S. 3 provides that any person present in a court of summary jurisdiction may be called upon to be sworn and give evidence, although he is not in court pursuant to a summons or warrant. The previous law was that if a person appeared in court voluntarily he could not be compelled to take the oath or give evidence. S. 4 enables a court of summary jurisdiction to proceed with the hearing of a complaint in the absence of the defendant if he does not appear in court on the day to which the hearing has been adjourned. Under the old law the court had power to proceed *ex parte* if the defendant failed to appear on the day for which the hearing was originally set down, but not if he failed to appear on a day to which the hearing had been adjourned. S. 4 also enables the court to dismiss a complaint if the complainant fails to appear on any day to which the hearing has been adjourned. S. 5 enacts that an order made by a court of summary jurisdiction for payment of costs only can be enforced by imprisonment in the same way as an order for a fine.

Poor Persons Legal Assistance.—Act No. 2322 contains some ancillary provisions for the purpose of facilitating the working of a voluntary scheme, which has been in operation for about three years, and under which the Law Society of South Australia provides legal assistance for deserving poor persons in legal matters of all kinds. S. 3 of the Act provides that the Attorney-General may give general or special directions as to the remission of fees which would otherwise be payable to the Crown in connexion with any matter arising in the course of legal work being carried out for a poor person under the Law Society's scheme. S. 4 of the Act exempts from stamp duty declarations made by poor persons applying

to the Law Society for assistance. S. 5 provides that except with the consent of the Council of the Law Society, a statement made to the Society by an applicant for legal assistance shall not be given in evidence in any court, and a document received by the Society in relation to any application for legal assistance shall not be produced by the Society or its officers in any court. S. 6 provides that orders for costs may be made in favour of a poor person who is successful in litigation as if he were liable to his solicitor for costs in the usual way.

Pharmacy.—Act No. 2289 enables the Pharmacy Board to punish any pharmaceutical chemist who is guilty of unprofessional conduct, habitual drunkenness or habitual addiction to any drug. The punishment may take the form of censure, a fine not exceeding £50 or suspension or cancellation of registration. In addition, the delinquent chemist may be ordered to pay the Board's costs of the inquiry and to give an undertaking to refrain in future from the conduct complained of. Before making any order, the Board is required to hold a judicial inquiry.

Landlord and Tenant (Rent Reduction).—The Landlord and Tenant (Rent Reduction) Act, 1932, enabled local courts to make orders for the reduction of rent payable under leases granted before June 30, 1931; and pursuant to that Act and subsequent amendments, every order remained in force until November 23, 1936, or the expiration of the lease (whichever was earlier). By the Act of 1936, No. 2263, a further extension of the period of orders for reduction is provided for, so that every such order will operate until June 30, 1937, unless the lease expires earlier.

Primary Producers Debts.—Under the principal Act of 1935, which provided machinery for reducing or writing off the debts of primary producers without bankruptcy proceedings, a farmer who desired his debts to be reduced had to apply before June 30, 1936. To meet a demand for further time the amending Act (No. 2313) fixed March 31, 1937, as the last day for applications. The Act also empowers the Farmers' Assistance Board to make loans of Government money to applicants for debt reduction.

Mercantile Law.—Act No. 2285 consolidates and amends six Acts relating to trade and commerce. Its effect may be summed up as follows:

(*a*) On the subject of mercantile agents, it repeals the Mercantile Law Amendment Act, 1861, which adopted in South Australia the provisions of the Imperial Factors Act of 1842, and substitutes the provisions of the Imperial Factors Act of 1889.

(*b*) It clarifies the statute law as to liens for freight. Previously there was some doubt as to the law on this subject. There was on the Statute Book the South Australian Liens for Freight Act, 1885, and in addition, the provisions of the Imperial Merchant Shipping Act, 1894, on the subject of liens had been held to apply in the colonies. Both Acts covered the same ground, but with minor differences in their terms. The new Act repeals the South Australian Act of 1885 and declares that the provisions of the Imperial Merchant Shipping Act, 1894, relating to liens for freight shall be in force in the State.

(*c*) The Act consolidates the existing law on the following subjects, namely, the rights of the consignee named in a bill of lading, and of the indorsee of a bill of lading, the requirement that contracts of guarantee shall be in writing, the exemption of wages from attachment under the process of any court and the legality of reinsuring marine risks.

Sale of Goods.—The object of Act No. 2309 is to abolish what is com-

monly called the " draft allowance " on wool. The draft allowance is a concession made to the buyer of wool by virtue of which, in computing the price of the wool, one pound of wool is deducted from every hundredweight. In other words, the buyer receives 112 pounds and pays for 111. The Act provides that any term in a contract for the sale of wool providing that a deduction of the kind commonly known as the " draft allowance " is to be made shall be void. The Act will not come into force until a date to be fixed by proclamation and no proclamation bringing the Act into force can be made until similar legislation is passed in all the other Australian States, New Zealand and South Africa.

Income Tax Assessment.—Act No. 2296 is the result of the work of the Royal Commission on Taxation appointed some years ago by the Commonwealth Government. Among other things, the Commission recommended that an attempt should be made to secure uniformity between the six States of Australia and the Commonwealth in the statute law relating to the assessment of income for the purpose of income tax, and prepared a draft Bill intended as the basis of a uniform law. Act No. 2296 is founded on this Bill. It is impossible in this article to set out full details of the Act. Suffice it to say that it contains a comprehensive code setting out the rules for the assessment of income for purposes of taxation. It is distinguished by the relative simplicity of its language, the careful separation of topics and its logical arrangement.

Public Finance.—Act No. 2294 is a consolidating and amending measure restating the law governing the issue and redemption of Government securities, the creation and management of the public debt sinking fund, the reserves for depreciation of wasting assets of the Crown and the use of surplus revenues.

The previous laws on these topics were passed at a time when South Australia was free to borrow money in its own name. Since 1929, however, when the Australian Loan Council was created, all loan money required by the State is borrowed on its behalf by the Commonwealth ; and the amount to be borrowed for each State is determined by the Australian Loan Council. It was necessary, therefore, to make such alterations in the law of the State as are required by the new system of control.

Housing Trust.—Act No. 2333 contains machinery for providing houses for persons of small means. The Act provides for establishing a Trust, which is empowered to borrow money and construct houses for letting to the public. The houses which the Trust constructs are to be divided into two groups. Group A consists of those houses the cost of which is defrayed from moneys borrowed by the Trust from the Treasurer of the State or from the public. A house of Group A must not cost more than £450, and the rent must not exceed 12*s.* 6*d.* a week. No such house can be let to a tenant whose " family income " exceeds £4 10*s.* a week. The family income means the aggregate income of the tenant and all the members of his family residing with him. Group B contains those houses the cost of which is defrayed from such sums of money as the Trust is able to secure by way of gifts from public authorities or benevolent persons. Houses of Group B must not cost more than £350, and the maximum rent chargeable is 10*s.* a week. Such a house cannot be let to any tenant whose family income exceeds £3 a week.

Road Traffic.—Act No. 2332 effects a general revision of the traffic laws of South Australia and enacts a number of new provisions. The principal

matters dealt with are as follows: A system of half-yearly registration of motor vehicles is introduced. Formerly, vehicles had to be registered for a full twelve months. The registration fees for motor vehicles usually kept in the pastoral areas or on Kangaroo Island are reduced by half. Rules are enacted prescribing the types of brakes with which motor vehicles must be equipped, rendering windscreen wipers and rear-vision mirrors compulsory and containing more stringent requirements as to the lighting of vehicles. Third-party insurance is made compulsory. Every vehicle must be insured and the insurance must cover the liability of every person driving the vehicle, whether legally or illegally. Many rules of the road which were previously in by-laws of local governing authorities and regulations are included in the Act. For the first time, driving signals are made compulsory. The traffic rules in the Act apply, wherever possible, to all forms of traffic, motor vehicles, horse-drawn vehicles and pedestrians.

Explosives.—Act No. 2306 consolidates and amends the law relating to explosives. It provides for the licensing and control of explosive factories and magazines, and for the control of the storage and carriage of explosives. It also enacts special provisions for the control in South Australian ports of ships carrying more than 25 pounds of gunpowder or 5 pounds of any other explosive.

Local Government.—The principal matter dealt with by Act No. 2331 is the right of rate-payers whose rates are in arrear to vote at municipal and district elections. The previous law was that a rate-payer could not vote unless he had paid in full all rates declared up to a date six months before polling day. The amending Act provides that a rate-payer may vote although he is one year in arrear with payment of his rates.

Marriage.—Act No. 2325 consolidates and amends the law as to marriage. It requires that before a marriage is celebrated, the parties or one of them must give to the celebrant a marriage notice, with full particulars of the parties. In the normal case this notice must be forwarded to the Principal Registrar and the particulars verified or corrected before the marriage can be celebrated. The Act also contains a schedule setting out the persons whose consent is required to a marriage of a minor. The schedule is similar to that in force in England, New South Wales, Victoria and Queensland. A table of the prohibited degrees of consanguinity and affinity is enacted. The previous law as to this matter has been considerably altered. The general effect of the change is to permit a person to marry his or her niece or nephew by marriage. The marriage of a person with his deceased wife's sister or her deceased husband's brother was valid under the previous law, and this rule is re-enacted. The Act also provides that a person whose marriage is terminated by the order of a court may remarry any person not within the prohibited degrees, as if the marriage had been terminated by death.

Births and Deaths Registration.—Act No. 2335 consolidates and amends the law relating to registration of births and deaths. Registration of still-births is provided for. The law as to legitimation of illegitimate children by the subsequent marriage of their parents is altered. Legitimation is to be effected by the marriage, and not by registration of legitimation, as provided by the previous law. The right of legitimated persons and their spouses and issue to succeed to property in the same way as if the legitimated persons were born in wedlock is provided for.

Marine.—Act No. 2337 consolidates and amends the law relating to

merchant shipping, in relation to intrastate ships. The law is in large measure made uniform with the Imperial Merchant Shipping Acts and the Commonwealth Navigation Acts.

Swine Compensation.—Act No. 2329 imposes a stamp duty of twopence in the pound on sales of all swine or of carcasses of swine. This duty is paid into a fund from which owners of swine destroyed or condemned by reason of disease are given a right to compensation for the loss of the animals.

5. TASMANIA.

Casual Workers and Unemployed Persons' Homes.—Act No. 57 authorizes the Board of Management of the Agricultural Bank of Tasmania to acquire or erect, and sell, dwelling-houses to casual workers and unemployed persons. Weekly payments of principal and interest combined are to be made by the purchasers, from whom no deposits are required at the time of purchase. When a purchaser has paid not less than one-fifth of the purchase money, he may execute in favour of the board a mortgage of the dwelling-house and land for the balance of the purchase money and interest, securing the payment thereof by instalments of principal and interest combined, or by such other method as the board may determine. He shall then be entitled to obtain from the board a transfer or conveyance of the dwelling-house and land.

Closer Settlement.—Act No. 8 amends the Closer Settlement Act, 1929, and provides for a revaluation to be made forthwith of all lands acquired under any Act for the purposes of settlement of soldiers, or which are, or have been, the subject of leases granted to soldiers under the principal Act. When the net capital value of a property has been determined in accordance with such revaluation and certain other provisions of the Act, the difference between such net capital value and the total amount due in respect of the property on January 1, 1937, is to be written off. The balance remaining will represent the capital sum upon the payment of which the lessee may purchase the property as provided by the principal Act, and will also be the basis upon which rent shall be calculated as provided by s. 34 of that Act. Provision is made for the payment annually out of the consolidated revenue of a sum equal to one-fortieth of the aggregate amount written off in respect of all the properties affected.

Act No. 27 provides, by amendments of the principal Act of 1929, for the payment annually by the Minister into the consolidated revenue and by the Treasurer to the Minister, of the credit or debit balances, as the case may be, of the profit and loss accounts of the transactions of the Minister under the principal Act.

Constitution.—Act No. 61 amends s. 23 of the Constitution Act, 1934, by fixing the terms for which the House of Assembly shall continue at five years instead of three.

Estate Agents.—Act No. 54 provides for the consolidation of claims against the obligor of a fidelity bond lodged with the Treasurer by an estate agent under the Estate Agents Act, 1926, and for payment to the Registrar of the Supreme Court of the moneys secured by such bond to abide the determination of such claims, which may be determined in a summary way by a judge.

Farmers' Debt Adjustment.—Act No. 48 repeals the Farmers' Debt Adjustment Act, 1935, and the Farmers' Debt Adjustment Act (No. 2),

1935, and provides for the constitution of a new board as the successor in law of the Farmers' Debt Adjustment Board constituted under the first-mentioned Act. While re-enacting the main provisions of the latter Act, the new Act provides a somewhat different procedure for the adjustment of a farmer's debts. It also provides that an amount equal to 5*s*. in the £ of the aggregate amount of the debts of any farmer adjusted under the Act, and in respect of which payments are made by the Board out of the moneys provided by the Commonwealth for that purpose shall be a " gift " to the farmer, and that the balance only of such payments shall constitute a loan by the board to the farmer free of interest and repayable to the board in such manner as it shall in the particular case determine. When the board thinks fit it may require the farmer to give security for the payment of such loan. Provision is made for the re-opening of compositions effected in respect of farmers' debts under the repealed Act and for the adjustment of such debts under the new Act, and also for the remission by the board of such portion of any sum paid by the predecessor board in respect of a composition under the repeal Act as is equal to 5*s*. in the £ of the debts in respect of which such payments were made. The board may, as a condition of the confirmation by it of any plan of debt adjustment under the Act, require the farmer to whose debts such plan relates to submit his affairs for rehabilitation under any enactment providing for the rehabilitation of the affairs of farmers.

Income Tax.—Act No. 15 fixes the rates of income tax for the year 1936–7. These include a tax of 4*s*. 3*d*. in the £ on all income of any person represented by prizes in any lottery authorized by law in Tasmania.

Jury.—Act No. 2 provides that the verdict of five jurors may be taken in civil cases, after deliberation for three hours. In similar cases, a jury shall be discharged after four hours' deliberation in default of agreement by five or more jurors, and the cause may be again set down for trial or assessment without any new process. In criminal cases, other than in the case of a capital offence, the verdict of ten jurors may be taken after two hours' deliberation. In default of agreement by ten jurors or more after two hours' deliberation, the jury may be discharged unless in the opinion of the judge further deliberation is desirable.

Land Tax.—Act No. 39 imposes for 1937 a graduated land tax. The rates range from three-farthings in the £ on unimproved values up to £2,500 to threepence three-farthings where such value is over £60,000.

Stock Medicines, Fertilizers and Pesticides.—Act No. 45 regulates and controls the sale of stock medicines and fertilizers, and of certain preparations for the destruction or prevention of plant diseases, pests and weeds. The Act repeals the Fertilizers Act, 1912, and the Insecticides Act, 1913, and their respective amendments.

Wheat Growers' Relief.—Act No. 3 provides for the application of the moneys granted by the Commonwealth to the State for payment to wheat growers.

Workers' Occupational Diseases Relief Fund.—Act No. 32 extends the benefit of the principal Act of 1928 to persons whom the board consider to be or to have been actually dependent on the earnings of employees coming within the provisions of that Act; adds " cadmium poisoning " to the schedule of diseases in respect of which the Act is applicable, and makes certain minor amendments.

6. VICTORIA.

[*Contributed by* S. H. Z. Woinarski, Esq., M.A., LL.B.]

The 104 Acts passed in the Second Session, Thirty-second Parliament, contain an unusually large number of financial and other local measures. Of the remainder only seventy-two are dealt with hereunder as possessing points of special interest.

Ministers of the Crown.—No. 4367 increases the maximum number of salaried responsible ministers of the Crown from eight to nine.

Agent-General.—No. 4374 extends from three to five years the maximum period for which the Agent-General for Victoria in London may be appointed, and provides that that official may be suspended from office only on the grounds of misbehaviour or incapacity.

Wrongs.—No. 4380 amends Part III of the Wrongs Act, 1928 (which contains provisions similar to those of Lord Campbell's Act) by providing that " child " and " parent " shall respectively include adopted child and parent within the meaning of the Adoption of Children Act, 1928, as amended by No. 4381 (*infra*).

Adoption of Children.—This Act (No. 4381) contains some important amendments relating to the adoption of children. By virtue of it " infant " now includes a person over the age of twenty-one who has been *de facto* adopted. The court is empowered to make an adoption order notwithstanding that one of the spouses is the natural parent of the infant, and, where application is made by two spouses jointly, to make such an order (*a*) notwithstanding that the female applicant is under the age of twenty-five or is less than twenty-one years older than the infant ; and (*b*) where one of such spouses is the natural parent of the infant. A wife may not separately adopt a child, unless the wife and husband are living apart and likely to be permanently separated. Certain other provisions tighten the machinery for the working of the statutory basis upon which the principle of the Act depends. Thus, it is made a misdemeanour for a parent or guardian of an adopted child to take the child away from the adopter. Further the Act requires appropriate entries to be made in the Adopted Children Register on the making of any order (past or future) varying or discharging an adoption order, and in cases where the date of the birth of the child adopted cannot be proved with certainty or at all. Further restrictions are placed on the inspection of entries in birth registers which are marked " Adopted," and the correction of errors in the Adopted Children Register is permitted. Provision is also made for necessary entries in birth registers in cases where subsequent to the adoption of an illegitimate child the child becomes legitimate through the marriage of its parents. Lastly, the Act prescribes a new form of birth certificate for adopted children, and re-enacts with variations, consequent upon these new provisions, the provisions of the principal Act relating to the designation of adopters in the Adopted Children Register and the surnames to be given to adopted children.

Stock Foods.—No. 4382 amends the principal Act (No. 3780). Its scheme follows the form that has now become usual in this class of legislation. It makes provision for the registration of mixed, concentrated or prepared stock foods or by-products and for the publication of a list thereof, and requires labels containing certain particulars to be affixed to packages containing those substances. Such particulars are declared to constitute a warranty as to their accuracy. Penalties are prescribed

for offences in connexion with the sale or delivery of these substances, and special provision is made with regard to their sale according to special prescriptions.

Hairdressers.—No. 4396 provides for the registration of hairdressers. To effect this the Act provides the accustomed administrative machinery. It establishes a Hairdressers' Registration Board and prescribes its powers and duties, including the registration and the suspension or cancellation of the registration of persons as hairdressers, the publication of lists of registered hairdressers and the collection of fees for examination and registration. Unless registered a person is prohibited from practising hairdressing or from using the title of hairdresser. Special provision is made as to schools of hairdressing and the teaching of hairdressing. Naturally, place is found for the usual sections dealing with penalties, legal proceedings and the power to make regulations.

Police Offences (Trotting Races).—By the principal Police Offences Act of 1928, which regulates (*inter alia*) race-courses and race-meetings, race-meetings are prohibited from being held at night. This Act (No. 4406) permits certain agricultural societies to hold trotting races at night and makes other provision ancillary thereto.

Goods (Sale of Wool).—No. 4408 is a short but important Act. It seeks to protect the interests of the wool-grower by forbidding on a sale of wool what is known as a draft allowance being enforced by the buyer. To this end the operative section enacts that any provision, express or implied, in any contract of sale of wool entered into after the commencement of the Act for any deduction (as, or in the nature of, a draft allowance) from the weight of wool, the subject of the contract shall be void and of no effect.

Constitution.—No. 4409, the Constitution Act Amendment Act, contains provisions for the redistribution of the seats in the Legislative Council, the Upper House of the Victorian Parliament. It contains, too, in its many clauses a provision for preferential voting in the case of elections for the Legislative Council directly following upon the simultaneous dissolution of the Council and Assembly in consequence of a disagreement between the two Houses.

Legal Profession.—No. 4418 introduces in a modified form the statutory regulation of solicitors' trust accounts. Whereas in some places, to secure clients against the defaulting solicitor, the principal of the guarantee fund has been adopted and in others that of the fidelity bond. This Act is much less drastic. It requires every solicitor to pay into a trust account in a bank all moneys received by him for or on behalf of any other person, and to keep accounts of such moneys and of any dealing therewith. Such moneys are made not available to other creditors of the solicitor, and banks are relieved from liability to inquire into the trusts on which such moneys are held. The administration of the Act is vested in the Attorney-General, who is empowered, on application by any person who alleges that a solicitor has failed to account to him in respect of any money, to appoint an inspector to examine, audit and report on the accounts of the solicitor. A penalty is provided for the refusal of any solicitor or his servant or agent to produce any books, etc., or to answer any questions of the inspector or his agent. If it appears on the report of the inspector that the solicitor has been guilty of a criminal offence in relation to his practice, the Attorney-General is required to cause appropriate proceedings to be instituted. The scheme of the Act is completed by the provision of a

penalty for improperly destroying, concealing or altering books or records of solicitors.

Auction Sales.—No. 4420 extends the operation of the Auction Sales Act of last session (No. 4323), which for the first time prohibited the splitting of lots of cattle purchased at auction, so as to prohibit the splitting of lots of farm produce similarly purchased. Wool is included in the definition provided for "farm produce."

Melbourne Harbour Trust.—No. 4422 amends the principal Act in several particulars. The only provision of more than local interest is that which extends the jurisdiction of the Trust by including in the definition of "vessel" seaplanes, hydroplanes and other similar craft.

Hire-purchase.—No. 4428 contains some radical reforms in relation to hire-purchase agreements, which are made to override any provision to the contrary in any agreement, whether entered into before or after the commencement of the Act. By virtue of its chief provisions, where an owner retakes possession of chattels hired under a hire-purchase agreement, the hirer may recover from the owner all moneys paid by him under the agreement less the amount by which the chattels have depreciated, and certain rules for the ascertainment of this are prescribed. An owner who retakes possession of chattels hired under a hire-purchase agreement is prevented from recovering from the hirer any sum which together with the value of the chattels when repossessed and the money already paid exceeds the purchase price of the chattels. The hirer of chattels under the hire-purchase agreement in certain cases is enabled to recover possession of those chattels after they have been repossessed by the owner, and to effect this the owner is required to retain them in his possession for twenty-one days after repossession. The owner is required on entering into a hire-purchase agreement to supply to the hirer a notice containing a summary of the rights and privileges conferred by the Act, and not to do so entails a maximum penalty of £25. Lastly, subject to certain exceptions, the Act continues the liability of guarantors.

Supreme Court (Judges Retirement).—No. 4437 provides in effect a retiring age of seventy-two years for justices of the Supreme Court, and in this way brings the age limit for those justices into line with the existing limit relating to the County Court Bench which was enacted last session (by Act No. 4355). The collateral matter of judicial pensions which is regulated by the Constitution Act is dealt with so as to remove the limit of £4,000 which is the maximum amount there prescribed as payable by way of pensions to the justices.

Miners' Phthisis.—No. 4438 establishes in the Treasury a Miners' Phthisis Relief Fund, with regulations as to its administration and a Medical Board for the purposes of the Act with prescribed powers and duties and a right of appeal therefrom in certain cases to a judge of the county court. The object of the Act is simple enough, to provide compensation to miners suffering from miners' phthisis, tuberculosis and other pulmonary diseases acquired as a result of their occupation, and, where death ensues, to their dependents. The scheme requires miners to submit to medical examination, and limits the payment of compensation under the Act to miners registered on the Register of Mines as having been at the time of such medical examination free from those diseases. The scheme is completed by requiring mine owners to furnish certain returns, and by prescribing the amounts and conditions of compensation. Any assignment of compensation payable is prohibited.

Income Tax.—No. 4440 is a long and elaborate Act which repeals the existing legislation dealing with the imposition, assessment and collection of income tax. Suffice it to say that in its stead it provides legislation on the lines of the uniform income tax provisions agreed to be adopted by the Commonwealth and all the States of Australia consequent upon the recommendations of the Royal Commission appointed by the Commonwealth Government in 1932.

Anti-Cancer Council.—No. 4446 establishes an Anti-Cancer Council as a step in fighting the ravages of that disease. The Act follows the usual lines of providing for the constitution, objects, powers and duties of the Council and its committees, and authorizes municipalities to make contributions to its funds. It exempts from duty bequests to and settlements in favour of the Council, and regulates the management of its funds and properties. The objects are the most interesting part of the Act. These are expressed to be: to co-ordinate activities in relation to research and investigations with respect to cancer and allied conditions and with respect to the causation, prevention and treatment thereof; to promote and subsidize such research and investigations; to provide maintenance and travelling expenses to persons in need who are suffering from cancer to enable them to become inmates of or to attend a public general hospital or special cancer clinic for treatment; to investigate the advisability of the establishment of special cancer clinics and, if thought advisable, to establish such clinics; and to facilitate the improvement of the treatment of persons suffering from cancer.

Apprenticeship.—No. 4453 is an amending Act. Among the miscellaneous amendments it effects, perhaps the most important are those provisions which extend the operation of the principal Act so as to apply to applicants for apprenticeship employed on probation; which empower employers when unable to provide sufficient work to reduce the hours of employment and wages of apprentices, and empowers the Commission to suspend or cancel indentures where the employer is unable to supply sufficient employment and a transfer of the apprentice to another employer is impracticable; which permit associations of employers to engage apprentices; and which empower the recovery by apprentices of the prescribed rate of pay notwithstanding any agreement to the contrary, and of arrears of wages.

Workers' Compensation.—No. 4456 increases the scope, effect and benefits of workmen's compensation legislation. The interpretation of "dependents" is amended so as to include other relatives (whether by consanguinity or affinity) of the worker, and that of "employer" now includes a person with whom the worker has entered into a contract of service or apprenticeship or otherwise, the last two words being new in the definition. A worker is permitted to proceed against his employer for compensation both under and independently of the Act, and to proceed both against his employer and a stranger, but the total amount recoverable is limited. Further it adopts s. 11 (2) of the English Act 15 & 16 Geo. V, c. 84, and makes it a sufficient notice of an accident under the Act if verbal notice thereof is given to the employer or if the employer otherwise has a knowledge of the accident. It amends in some particulars the provisions in the principal Act relating to the addition of interest to compensation where the employer causes an unreasonable delay in settlement, and those relating to the winding-up of employer companies and to the proof of occupational disease. The Act requires the posting up in certain places

of summaries of the requirements of the Workers' Compensation Acts, relating to notices and claims and of the benefits available to workers, and requires an accident book to be kept in every mine, quarry, factory, shop or office. Lastly it increases some of the benefits payable under the Act, and alters in some respects the scale and conditions of compensation.

Factories and Shops.—No. 4461 contains a number of miscellaneous amendments of the legislation already existing. Among the topics provided for are provisions empowering the chief inspector to refuse to register and to cancel the registration of factories and shops with a right of appeal therefrom to a court of petty sessions consisting of a police magistrate sitting alone; provisions giving to wages boards with respect to determinations powers similar to the powers which the Commonwealth Arbitration Court has with respect to awards; provisions for the appointment of a General Wages Board for specified trades in respect of which no wages board determination is operative; provisions requiring time books to be kept in hotels, restaurants and boarding houses. More important are those sections of the Act which establish a Metropolitan Industrial Court, *eo nomine*, consisting of a police magistrate alone, which court is made a court of petty sessions with exclusive power to deal with offences against the Factories and Shops Acts committed within the metropolitan district and with appeals from the refusal to register or the cancellation of the registration of factories and shops within that district.

Milk Board.—No. 4463 amends the principal Act of 1933 (No. 4183) as amended by the Act of 1934 (No. 4276) in a number of miscellaneous particulars. Noteworthy among them is that provision which empowers the Board to determine the minimum prices to be paid to owners of dairy farms, to owners of milk depots and to dairymen for milk for sale or distribution in the metropolis; and that which provides for the "zoning" of the industry, whereby the Board is enabled to specify the dairies (whether within or without the metropolis) from which milk may be sold or distributed by retail in the metropolis, and the dairies within the metropolis at which milk may be sold by retail for delivery only at such dairies, and, as a consequence, to provide compensation to dairymen for loss or damage arising out of such specifications in certain cases.

Instruments (Insurance Contracts).—No. 4464 introduces some important modifications into the usual contracts of insurance. Insurance contracts are not to be avoided by incorrect statements of the proponent unless fraudently untrue or material. Insured persons are allowed to maintain proceedings (whether legal or by arbitration) under insurance contracts notwithstanding failure to give the required notice if such failure is due to accident, mistake or other reasonable cause, unless the court or the arbitrator or umpire (as the case may be) considers the insurer has been prejudiced by the failure so as to make it inequitable if it were not a bar to the maintenance of such proceedings. Any provision in respect to arbitration contained in any insurance contract shall be deemed to be a submission under the Arbitration Act, 1928 (which reproduces the definition of "submission" contained in the English Act 52 & 53 Vict., c. 49, s. 27), and such submission is declared not to be a condition precedent to the institution of legal proceedings by the insured. Lastly, the Act is made retrospect and applies notwithstanding anything in any agreement.

7. WESTERN AUSTRALIA.

[*Contributed by* C. E. Stow, Esq.]

Forty-three Acts were passed during 1936, but, with the few exceptions set out below, they are of a minor nature and contain no provisions which could be of general interest.

Wool (Draft Allowance Prohibition).—Act No. 2 makes void any provision, express or implied, in any contract of sale of wool providing for a deduction (as or for a draft allowance) from the weight of the wool the subject of the contract. The object of the Act is to bring to an end a recognized custom under which wool buyers have been able to retain a portion of the stipulated purchase price by way of draft allowance.

Maintenance Orders.—The amendments effected by Act No. 7 to the Reciprocal Enforcement of Maintenance Orders Act, 1921, are to have effect only in regard to reciprocating jurisdictions which have enacted substantially similar legislation and have made provision for applying the benefit of it to this State. Provision is made whereby the principal Act can be made applicable to any territory, a mandate of which has been accepted by any part of the British Dominions. The Act alters in a number of respects the machinery for the reciprocal enforcement of maintenance orders. Orders which are enforceable in the State by virtue of the principal Act may now, with some exceptions, be varied or rescinded here and orders made in this State may be varied or rescinded here in accordance with the laws covering maintenance orders between parties resident here, but an order made under either of these powers is to be provisional only unless both parties are present. An application for variation or rescission may be remitted to the court which made, registered or confirmed the order for the purpose of taking further evidence. When a court in a reciprocating jurisdiction remits a case to a court in the State for further evidence in connexion with an application to confirm a provisional order made by the latter court or with respect to an order made, registered or confirmed by the former court, the court in this State is to take and transmit the evidence. In confirming a provisional order, a court may now direct payment in respect of the period between the making of the order and the confirmation thereof. Provision is made for the transmission of papers to another reciprocating jurisdiction in a case where the defendant is resident in that other jurisdiction when an order is received here for registration or confirmation or where he goes to the other jurisdiction after registration or confirmation, and in the latter case the order is to cease to have effect here.

Electoral.—Act No. 10 makes it compulsory for every elector for the Legislative Assembly (the election of which is by adult franchise) to record his vote at every election unless prevented from doing so by absence from the State, illness or infirmity, or any physical incapacity. The Act sets out steps to be taken for the detection and punishment of offenders.

Justices.—Hitherto it has been necessary to serve a summons issued out of the Court of Petty Sessions personally or by leaving it at the defendant's last known place of abode, if he cannot be found. The amendment, No. 11, provides for service by post if the magistrate or the clerk of petty sessions is satisfied that service in the ordinary way would involve undue expense, that the offence charged is not an indictable one, that its nature is such that personal service might reasonably be dispensed with

and that the hearing will not be unduly delayed thereby. Service is to be effected by posting the summons as a registered letter and an acknowledgment purporting to be signed by the addressee is necessary as part of the proof of service.

Child Welfare.—Act No. 12 provides that the Minister controlling the principal Act shall not exercise his power to release a State ward from the control of his Department or from an institution, until the parents of the ward have been notified of the proposed release and have had an opportunity to be heard in opposition to the proposal or as to custody after release. A parent who feels aggrieved by the Minister's order to release a ward or to hand the ward over to the custody of any person may appeal to the local court, which may make such order as it deems fit.

Pensioners (Rates Exemption).—Act No. 26 extends in favour of certain soldier pensioners the exemption from local government rates given to old age and invalid pensioners by the principal Act.

Petroleum.—Act No. 36 is designed to cover the whole matter of prospecting for petroleum, including all naturally occurring hydrocarbons in a free state, and the regulation of the recovery of petroleum in the event of discovery. It supersedes certain provisions of the Mining Act, 1904, by which oil prospecting has in the past been regulated, and many provisions of the latter Act are adapted and included in the new Act. It is declared that all petroleum on or below the surface of any land in the State is the property of the Crown, notwithstanding any grant, lease or other instrument, and the Minister for Mines and persons authorized by him are empowered to enter on any land to search for petroleum. In certain cases the Minister can carry on operations for recovery of petroleum without payment of compensation, and he is given wide powers of resumption of land. In the case of national or State emergency the State is to have the right of pre-emption of petroleum produced from land in the State. Helium discovered by a lessee under a petroleum lease is to be the property of the Crown, and the discovery is to be reported. On discovery of petroleum the Governor may constitute any area as an oil field, and all licences to prospect for petroleum shall cease to operate within that area. The first licensee to discover petroleum in any of the five oil provinces of the State is to be granted a reward lease of 16 square miles. Upon the constitution of an oil field licences to prospect on and petroleum leases of land within the area may be granted, and the same are to be alienable as chattel interests.

Provision is made for three forms of authority in connexion with search for and recovery of petroleum, *viz.* (1) a permit to explore which authorizes a reconnaissance, aerial, geological or geophysical survey within a particular oil province and necessitates a continuous survey during the currency of the permit ; (2) a licence to prospect for petroleum in an oil province which gives to the holder the exclusive right to prospect within the area named in the licence ; (3) a petroleum lease which authorizes the recovery of petroleum within the area leased.

The Act contains numerous provisions of a machinery nature, which for the most part are modelled upon existing provisions of the Mining Act, 1904.

Distress for Rent Abolition.—No distress for rent can now be levied, and Act No. 38 provides for discontinuance of any distress proceedings pending at its commencement. The right given by the Transfer of Land Act, 1893, to a mortgagee or annuitant to recover arrears of interest or

annuity by distress against the tenant or occupier of the land charged is also abolished, but a right to sue the owner or occupier for recovery is substituted. A landlord or lessee may now determine a tenancy or lease by two days' notice if the rent has been unpaid for seven days. This right is worthy of notice, since it applies to long-term leases as well as short tenancies.

Purchasers' Protection.—This amendment (No. 41) of the Purchasers Protection Act, 1933–4, extends the provisions of s. 10 of the principal Act in favour of purchasers of subdivisional land against whom judgment has actually been obtained. The judgment debtor if threatened with execution or other proceeding on the judgment can apply to the appropriate court for the same relief but subject to the same conditions as if proceedings had actually been taken by the vendor under the provisions of s. 10 (1) of the principal Act. It seems to follow from the amendment that the judgment can be set aside on the ground of hardship or poverty and the contract for sale cancelled on conditions. No relief is to be granted under the amendment unless the court is satisfied that the original proceedings were not contested because of poverty or that evidence which was not available at the trial can be obtained or that the purchaser, because of ill health or other sufficient reason, had not a reasonable opportunity of contesting the proceedings. The amending Act is retrospective.

Trade Descriptions and False Advertisements.—The sale of certain goods described in Act No. 42 and goods to be declared by regulation is prohibited by the Act unless the name and address of the manufacturer and a trade description of the goods containing such details as may be prescribed are conspicuously applied thereto or attached thereto in stipulated manner. Disclosure of a trade secret of manufacture or preparation is not required unless the Commissioner of Public Health certifies that such disclosure is necessary to protect the health or well-being of the public. Before prescribing additional goods as goods for the purpose of the Act the Governor must give one month's notice to enable interested persons to be heard in opposition to or support of the proposal, and he may appoint some person to inquire into the matter and report. It is to be an implied condition of every sale or contract for sale of goods coming within the Act that the trade condition applied to the goods is true and correct and that the prescribed trade description has been applied to the goods.

It is an offence to publish or cause to be published any statement, known to be false in any material particular, which is intended or apparently intended to promote the sale or disposal of any real or personal property (including stocks, shares, etc.) or any services or to increase the consumption or use of any personal property or to induce any person to enter into any obligations relating to such property or services. Publication may be by insertion in a newspaper, exhibition in or on buildings, vehicles or other places, or in the air, radio broadcasting or verbal communication. The publisher of a statement proved to be false in any material particular is to be deemed to have known of its falsity unless he proves that he believed on reasonable grounds that it was true or that he had no reason to suspect that it was false or that, otherwise, he acted innocently. No prosecution is to be instituted against the printer, publisher or proprietor of a newspaper, a wireless broadcasting company or the printer of any advertisement, dodger, or catalogue unless a warning of the falsity of the statement complained of or of any other statement substantially

the same has first been given and the offender has then failed to take the steps provided for in the Act.

Wide powers of search and seizure are given to inspectors appointed under the Act. Forfeiture of goods seized by an inspector may be ordered on a conviction for an offence against the Act or the court may order return of the goods subject to conditions. If the defendant in proceedings in respect of seized goods is not convicted, but it is proved that the goods are such as require the prescribed trade description, the court may order their detention until the owner gives a written undertaking and security that the trade description will be applied before sale. This provision apparently contemplates the delivery of two verdicts by the court, one in relation to the defendant and the other in relation to the goods. An order for the forfeiture of goods of an unknown owner may be obtained after complaint for that purpose and advertisement.

Aborigines.—Act No. 43, amending the Aborigines Act, 1905, contains several new provisions. The Commissioner of Native Affairs (as the officer formerly designated as the Chief Protector of Aborigines is now known) is empowered to authorize the compulsory examination of natives with a view to ascertaining whether they are afflicted with disease. He may also obtain letters of administration or letters of administration with the will annexed of the estate of any deceased native, and if the widow, husband or next of kin of an intestate cannot be ascertained he is to distribute the net estate amongst those persons who, by regulation, are prescribed as entitled to succeed, and failing such persons the estate is to go to a special fund for the benefit of natives. The Commissioner's certificate shall be conclusive evidence as to the persons entitled under the regulations to succeed.

Holders of permits to employ natives are obliged to contribute to a special native medical fund, and to take certain steps in cases of sickness of or injury to native employees and, subject to compliance with their obligations, they are relieved of liability under the Workers' Compensation Act in respect of native employees. Natives are prohibited from remaining on or loitering about premises licensed for the sale of liquor, and the licensee is not to permit them to do so. The Act provides that it shall be an offence to seek or obtain from a native, before trial, an admission of guilt of an offence punishable by death or imprisonment, and an admission so obtained is not to be received in evidence. Provision is made for the establishment of special native courts for the trial of any offence committed by one native against another, and the court may if practicable call to its assistance a headman of the tribe to which the accused belongs. The court may take into account, in mitigation of punishment, the existence of a tribal custom proved as the reason for the offence, and if, in any such case, the charge might, under the Criminal Code, involve punishment of death or imprisonment for more than ten years, it may imprison the offender for not more than ten years, or banish him from his country (*i.e.* his tribal district) and order him to be kept in custody during the Governor's pleasure. The Commissioner is empowered to recover, by action, any wages due or property belonging to a native who has absconded from service or is deceased, and the proceeds are, in the absence of claim, to be held for the benefit of natives generally. The marriage of a native according to the laws of the State must be preceded by notice to the Commissioner, who may prevent the marriage if it is inadvisable as being in contravention of tribal custom or if either

of the parties is afflicted with disease or on account of gross disparity in the ages of the parties or other circumstances which render it advisable that the marriage should not take place. A right of appeal to a magistrate is given.

The provision of the principal Act dealing with co-habitation with natives is extended mainly for the purpose of prohibiting sexual intercourse between a native and a person, other than his or her wife or husband, who is not a native. The definition of a native is altered by the amending Act, which contains a large number of other amendments of a minor nature.

8. PAPUA.

[*Contributed by the* HON. MR. JUSTICE GORE.]

In the year 1936 eighteen Ordinances were passed, of which the following may be noted:

Gold Buyers.—No. 3 amends the Gold Buyers Ordinance, 1935, by omitting the provisions with regard to the renewal of licences and substituting therefor a new section which entitles the holder of a current licence to the issue to him of a licence in respect of the next succeeding year unless he has been convicted of an offence against the Ordinance at any time during the currency of the existing licence. A permit for the employment of an agent is not to be renewed, but a fresh permit may be obtained.

Mineral Oil.—No. 10 of 1934 and No. 4 of 1936, which are cited as the Petroleum (Mining) Ordinance, 1934–1936, regulate the mining for petroleum. No. 10 of 1934 was not commented upon before because, by s. 2, that Ordinance was not to commence until a date to be fixed by notice in *The Gazette*. Later the date of commencement was fixed. No. 4 of 1936 amends No. 10 of 1934, the principal Ordinance.

The Ordinance is in substitution for any previous legislation in relation to the mining for petroleum, but existing rights are preserved. It provides for the appointment of a Petroleum Board. It declares all petroleum and helium to be the property of the Crown and gives the Lieutenant-Governor, with the consent of the Commonwealth Minister of State charged with Papuan affairs, the power to search for petroleum and helium except upon any land covered by a licence or comprised in a lease under the Ordinance. Power is given to reserve land for the purposes of the Ordinance. Oilfields may be constituted by Proclamation. Provision is made for the grant of permits, licences and leases to individuals who are British subjects or to companies registered in the Territory of which at least two-thirds of the shares issued by the company are held by British subjects. The grant of licences to prospect and leases is subject to the payment of a royalty of 10 per cent. of the gross value of petroleum produced, but there are certain exemptions. Rents are to be paid and substantial bonds furnished. Conditions and restrictions are imposed upon permittees, licensees and lessees, but their rights and privileges are maintained. Power to revoke permits and cancel licences and leases under certain circumstances is given. The creation of combines is guarded against. Much attention is given to the control of prospectuses for the purpose of guarding against the promotion of "wild cat" companies, by requiring that a prospectus, before publication, shall contain the prescribed information, be verified upon oath and be submitted to the Lieutenant-Governor for approval.

Shipping.—No. 5, No. 14 and No. 18 preserve the local trade for local shipping. To engage in local trade all ships must be licensed. Overseas ships may, without a licence, take on board, land, deliver or discharge passengers and cargo at any proclaimed port but may not take on board passengers or cargo at a proclaimed port to be landed at or discharged at any other proclaimed port. The Lieutenant-Governor may, in his absolute discretion, grant (conditionally or unconditionally) or withhold a licence to engage in local trade. No ship licensed to engage in local trade shall refuse to carry passengers and cargo. Ships not ordinarily used for the carriage of passengers or cargo may be exempted from the provisions of the Ordinance.

Quarantine.—No. 8 brings aircraft within the law relating to quarantine.

Uncontrolled Areas.—No. 15 repeals No. 11 and No. 13. The schedule contains a description of the uncontrolled area. With the exception of natives and officers of the Public Service of the Territory in the course of their official duties, no person is permitted to enter this area. The Lieutenant-Governor, by proclamation, may suspend the operation of the Ordinance either wholly or in respect to any portion of the uncontrolled area and subject to conditions or restrictions. Penalties are provided. The area comprises newly discovered country and is at present not under proper administrative control.

Probate and Administration.—No. 16 inserts in s. 67 of the Probate and Administration Ordinance, 1913–1926, a definition of "Part of His Majesty's Dominions," so that that expression will include a Protectorate and a Mandated Territory.

IV. NEW ZEALAND.

[*Contributed by* J. CHRISTIE, ESQ., C.M.G., LL.M., *Parliamentary Law Draftsman.*]

At the general election held in November 1935, the "National" Government was defeated at the polls, and was succeeded in office by the present "Labour" Government, with the Rt. Hon. Mr. Savage as Prime Minister. The new Parliament met on March 25, 1936, and remained in session until October 31 (with an adjournment from June 11 to July 21). The legislative output consisted of 59 Public Acts; 13 Local Acts; and 7 Private Acts.

In the "Speech" delivered by His Excellency the Governor-General outlining the Government's legislative programme on the occasion of the opening of Parliament, the following statement occurs: "It is intended to introduce legislation to ensure for the State the control of the currency and credit of the Dominion, so that the social and economic welfare of New Zealand will be promoted and maintained." Following on this statement, the first Act passed by the new Parliament was the Reserve Bank of New Zealand Amendment Act (No. 1), which alters the constitution of the Reserve Bank[1] and extends its functions. The share capital of the Bank has been abolished, and the shareholders have received for their £5 shares their market value of £6 5*s*. In consequence of the abolition of share capital, and the cancellation of all shares, provisions (not completely

[1] See *Journ. Comp. Leg.*, Third Series, vol. xvii, pt. ii, p. 114.

effective until 1940) have been made altering the constitution of the Board of Directors ; when the altered constitution becomes effective, the Board will consist of the Governor and Deputy-Governor of the Bank, the Secretary to the Treasury, and seven other members to be appointed by the Governor-General in Council and to hold office during pleasure.

The general functions of the Bank (as originally expressed in the 1933 Act) have been restated in s. 10 of the amending Act in the following terms :

> It shall be the general function of the Reserve Bank, within the limits of its powers, to give effect as far as may be to the monetary policy of the Government, as communicated to it from time to time by the Minister of Finance. For this purpose, and to the end that the economic and social welfare of New Zealand may be promoted and maintained, the Bank shall regulate and control credit and currency in New Zealand, the transfer of moneys to or from New Zealand, and the disposal of moneys that are derived from the sale of any New Zealand products and for the time being are held overseas.

Other provisions of the amending Act extend the powers of the Bank, first, by the removal of restrictions formerly imposed on the exercise of its powers, and also by the conferring of new powers. Important of such new powers is the power to " grant accommodation by way of overdraft to the Government of New Zealand or to any Board or other authority having statutory powers in relation to the marketing of any New Zealand produce for the purpose of financing the purchase and marketing of any such produce." By s. 16 of the amending Act the Minister of Finance is empowered to suspend the obligation imposed on the Bank by the principal Act to give sterling for immediate delivery in London in exchange for Reserve Bank notes of amounts of £1,000 and upwards. During any period of suspension, the notes of the Bank continue to be legal tender in New Zealand.

Government Railways.—By Act No. 2 the administration of the Government Railways has once again been conferred on a General Manager, acting under the control of the Minister of Railways. As long ago as 1887 the system of administration by a Board of Commissioners was tried ; this system was abolished in 1894, when the control was transferred to the Minister of Railways. This system remained unchanged until 1925, when the control was vested in a Board consisting of three officers of the Government Railways Department. The Board was abolished in 1928, and the control was again vested in the Minister (with a General Manager) ; in 1931 another Board was set up (consisting wholly of persons outside the service of the Government) ; this Board has now in turn been abolished. This latest change is consistent with the Government's expressed intention of itself accepting responsibility for Governmental action, without the intervention of " buffer " Boards.

Employment Promotion.—In 1930 Parliament passed the first Unemployment Act.[1] In this Act, and the amendments that followed from year to year, emphasis was placed on the relief of distress arising from unemployment. The new Government has placed the emphasis on employment :

> My Ministers [to quote the Governor-General's " Speech "] regard the question of unemployment as one of pressing urgency. . . . They intend, under the direct control of my Minister of Labour, to attack this problem, and

[1] See *Journ. Comp. Leg.*, Third Series, vol. xiv, pt. ii, p. 108.

in the first place they propose not only to extend the public-works system of the Dominion, but also to facilitate the provision of employment by the expansion of existing industries and the encouragement of new industries.

The Employment Promotion Act (No. 3) is expressed, in its "Long Title," to be primarily an Act "to make provision for the promotion of employment," and only incidentally to be for the relief of distress due to unemployment. It is, however, largely a consolidation of the former legislation, the "Employment tax" taking the place of the "Unemployment-relief tax" imposed by the Act of 1931. The Unemployment Board (established under the earlier legislation) has been abolished, and the administration of the new Act is in the hands of the Secretary of Labour, acting under the control of the Minister of Labour. The decision to proceed (at not less than standard rates of pay) with the construction of certain railway-construction works (which were abandoned as non-economic by its predecessors) is one of the means adopted by the present Government to substitute employment for unemployment relief.

Primary Products Marketing.—Act No. 5 is generally admitted to be one of the most important of the fifty-nine Public Acts passed by Parliament in the recent session. The relevant passage in the Governor-General's "Speech" on the occasion of the opening of Parliament reads as follows:

> As one step in my Ministers' co-ordinated plan to restore the standard of living of farmers and agricultural workers, legislation will be introduced to inaugurate a system of guaranteed prices for the farm products of the Dominion which will ensure a reasonable reward for the time, energy, skill and experience involved, and at the same time steps will be taken to adjust farm indebtedness in relation to total farm income.[1] Arrangements will also be made to market the primary products of the Dominion in the simplest and most efficient manner possible.

The Act creates a new Department of State, called the Primary Products Marketing Department, which is placed under the control of a Minister of the Crown with the title of "The Minister of Marketing." Although the Act contemplates the control ultimately of the marketing of all primary products, it is particularly concerned in the meantime with the marketing of dairy produce. Dairy produce that is intended for overseas markets automatically becomes the property of the Crown when placed on board a ship for export, at a price to be fixed by Order in Council. The rules to be observed in the fixation of prices are somewhat indefinite; for the first season the price was fixed by reference to the prices of dairy-produce of the same kind and quality "received in New Zealand . . . during a period of from eight to ten years immediately prior to the thirty-first day of July, 1935."

For subsequent seasons, regard is to be had to various considerations, including, *inter alia*, "the general standard of living of persons engaged in the dairy industry in comparison with the general standard of living throughout New Zealand." The objective, in the fixation of prices, is summarily stated in s. 20 in the following terms: "The prices fixed . . . shall be such that any efficient producer engaged in the dairy industry under usual conditions and in normal circumstances should be assured of a sufficient net return from his business to enable him to maintain himself and his family in a reasonable state of comfort." A critic, not necessarily captious, may be inclined to blame the draftsman for assisting in

[1] The final clause of this sentence refers particularly to proposals that were later embodied in the Mortgagors and Lessees Rehabilitation Act (1936, No. 33).

this invasion by the politician of the realm of law. If so, he will find in the statute-book for 1936 more than one example to support his criticism.

Provision is also made to permit of the fixation of prices of dairy produce intended for local consumption and generally for the control of the local market, but acquisition by the Crown of the property in such dairy produce is not an essential feature of any scheme of local control.

The Act contemplates, as a special feature of the scheme of governmental control of primary products, the conclusion of trade agreements with other countries ; and, with such agreements in view, the Minister of Marketing is given statutory authority to enter into negotiations, first with accredited representatives from the United Kingdom and other countries within His Majesty's dominions, and afterwards with representatives of other countries ; s. 13 (2) (dealing with such agreements) is in the following terms :

> The basis of any such agreement shall be that, in consideration of the purchase by the Government of any such country of any primary products of New Zealand or in consideration of the establishment or maintenance in any such country of favourable marketing conditions for any primary products of New Zealand, the Government of New Zealand will undertake to arrange through the Reserve Bank of New Zealand that the whole or a substantial part of the financial credits thereby established in such country will be utilised for the purchase of approved goods or classes of goods being the produce or manufacture of that country.

The language of the Act abounds in vague generalities, but the success or failure of the Government's plans will not depend to any great extent on the language in which they have been expressed in the statute-book.

Industrial Matters.—The Industrial Conciliation and Arbitration Amendment Act (No. 6) is an important measure. In the first place, it restores the jurisdiction of the Arbitration Court to hear and determine industrial disputes between organizations of workers and employers (a jurisdiction of which the Court was partially deprived in 1932) [1] : it directs the Court to fix a basic rate of wages for adult male workers and, correspondingly, a basic rate for adult female workers. The basic rate so fixed is the minimum rate payable to workers whose employment is subject to conditions prescribed by award or industrial agreement (except in the case of workers who have been granted under-rate permits). In the third place, workers subject to the terms of an award or industrial agreement are required (subject to relatively unimportant exceptions) to be members of a union of workers ; and provision is made for a 40-hour working-week (except in cases where, in the opinion of the Court of Arbitration, a 40-hour week is impracticable).

The Factories Amendment Act (No. 7) reduces the weekly number of working hours to be observed in factories ; and provides for increased rates of pay. Complementary provisions, with respect to employment in shops and offices, are made in the Shops and Offices Amendment Act (No. 11).

Transport.—The Transport Licensing Amendment Act (No. 9) deals with (1) road services ; and (2) aircraft services. The Act aims at the reduction of administrative expenditure and makes provision to permit of the appointment of district licensing authorities consisting of one member only (instead of three). The Minister of Transport is made the sole licensing authority for aircraft services, and also the sole appeal

[1] See *Journ. Comp. Leg.*, Third Series, vol. xvi, pt. ii, p. 105.

authority in respect of licences for road services. The Transport Co-ordination Board (established under the 1933 Act) [1] is abolished. These changes in the law are consistent with the expressed intention of the Government to place the control of transport directly under a responsible Minister of the Crown.

Financial Institutions.—The Mortgage Corporation of New Zealand was established in accordance with the provisions of the Mortgage Corporation Act, 1934–35 [2]; the Corporation was established with a share capital of £1,000,000 (of which half was supplied by the Government and half by private investors). The function of the Corporation was to lend money on the security of mortgages of real property, and to take over from the State Advances Department (and from certain other Departments of State) mortgages securing loans theretofore granted by those Departments. The name and constitution of the Corporation have been altered by the State Advances Corporation Act, 1936. The private shareholders have been bought out, and the Corporation (under the name of the State Advances Corporation) becomes, in all but name, a Department of State, whose business is declared to be the making of loans secured by mortgages of land (but with power to accept collateral security over personal property) " with a view to giving effect to the policy of the Government in that respect as communicated to it from time to time by the Minister of Finance." The Board of Directors is required to " have regard " to any representations made to it by the Minister of Finance, and is bound by any written directions given to it by that Minister.

In addition to its business of lending its own money, the Corporation is made the agent of the Crown for carrying out the new " housing " scheme of the Government. Debentures or other securities issued by the Corporation (for the purpose of raising funds to enable it to carry on its business) are State guaranteed.

Restriction of Rents.—The Fair Rents Act (No. 14) is a temporary measure (expressed to expire on September 30, 1937). It applies to existing dwelling-houses let at rentals not exceeding £3 a week, and has no application to new dwellings. It makes provision for the fixation of a " fair rent," by a stipendiary magistrate, on application by either the landlord or the tenant of any dwelling-house to which it applies. The " fair rent " so fixed is not necessarily a fair rent in the ordinary meaning of that term, for in fixing it the magistrate is directed to have regard to the relative circumstances of the landlord and the tenant, and to fix as the fair rent " such rent as in his opinion it would be fair and equitable for the tenant to pay." This apparently unfair " loading " against the landlord is to some extent corrected by a later provision which gives to the Governor-General in Council a general authority to fix the annual fair rent at not less than 4 and not more than 6 per cent. of the capital value of the dwelling, with the addition of rates, insurance, repairs and an allowance for depreciation.

The earlier legislation restricting rents (contained in the War Legislation Act, 1916, and subsequent amending Acts) has been allowed to lapse.

Broadcasting.—Act No. 15 repeals the Broadcasting Act, 1931,[3] and provides for a " National Broadcasting Service," carried on as a function of the State, under the control of a Minister of the Crown and a Director of Broadcasting (who is a public servant). Provision is also made for the

[1] See *Journ. Comp. Leg.*, Third Series, vol. xvii, pt. ii, p. 117.
[2] See *ibid.*, vol. xviii, pt. ii, p. 114. [3] See *ibid.*, vol. xv, pt. ii, p. 106.

carrying on of commercial broadcasting stations (from which advertising matter may be broadcasted). Private broadcasting stations can be carried on, under licence and subject to the general supervision of the Minister. A feature of the new service is the broadcasting of Parliamentary debates.

Salaries and Wages.—The Finance Act (No. 16) restores to their 1931 level the rates of salaries and wages (which were statutorily reduced in 1931 and again in 1932).[1] The Act is of wide application, and relates not only to Members of Parliament, public servants and other persons whose rates of remuneration were expressly affected by the earlier legislation, but to all persons engaged under " contracts of service." As a matter of law, the Act is in some respects unavoidably defective, for it attempts to restore certain wages to a notional standard that did not in fact exist ; but the expression of the policy that there must be a general restoration of rates of remuneration to the 1931 standard has, in fact, proved generally effective. It is made an offence for an employer to dismiss a worker because of his statutory right to receive and demand higher wages.

Regulations.—Act No. 17 makes provision for the separate publication of Governmental regulations (instead of, as has heretofore been the case, in the Government *Gazette*), and for their republication, from time to time, with amendments incorporated.

Motor Vehicles.—Act No. 18 makes several amendments of the law relating to motor vehicles. In particular, it fixes (subject to certain exceptions) a speed limit of 30 miles an hour in all boroughs ; it creates a new offence, namely that of driving without " reasonable consideration for other persons " ; and it enables regulations to be made controlling forms of traffic other than motor traffic (*e.g.* pedestrian traffic).

Profiteering.—The Prevention of Profiteering Act (No. 19) is intended to preserve to the public the advantages conferred on them by the reduction of working hours and by the increased rates of remuneration (conferred by legislation passed earlier in the session). The Act creates the offence of " profiteering " (in relation either to goods or to services). The penalty for profiteering is limited to a fine of £200 or imprisonment for three months (in the case of an individual) and to a fine of £1,000 (in the case of a corporation). The Act makes provision for the establishment of one or more " Judicial Tribunals for the Prevention of Profiteering " (a somewhat grandiose name for what, after all, is a specially appointed stipendiary magistrate).

Informations for offences against the Act can be laid only by officers of the Department of Industries and Commerce acting under ministerial direction. The question of determining whether or not a defendant has been guilty of the offence of profiteering must be determined in relation to the particular services or goods referred to in the information, and not in relation to his whole business ; a defendant cannot escape liability for selling one article at an unduly high price by showing that on his whole business he does not derive more than a fair rate of commercial profit. No appeal lies from the decision of a tribunal under the Act, and the tribunal has absolute discretion in determining whether any increase above the basic price (as defined in the Act) has been reasonable or unreasonable.

Parliamentary Under Secretaries.—The Civil List Act (No. 21) makes provision for the appointment by the Governor-General of Parliamentary

[1] See *Journ. Comp. Leg.*, Third Series, vol. xv, pt. ii, p. 97, and vol. xvi, pt. ii, p. 106.

Under Secretaries (who must be members either of the Legislative Council or the House of Representatives) to act in assistance of Ministers of the Crown in the performance of their administrative duties. No statutory limit is placed upon the number of such appointments that may be made. Every appointment is made in relation to a specified ministerial office. An Under Secretary has authority to exercise such ministerial functions as may be assigned to him by his Minister ; instruments executed by an Under Secretary are required to be signed with his personal signature, to which must be added the words " Parliamentary Under Secretary for the office of the Minister of . . ."

Civil Procedure.—The Judicature Amendment Act (No. 22) restores certain rights to trial before a jury in civil actions in the Supreme Court. Corresponding rights were formerly conferred by Rules of Court and, in 1925, were taken away by Rules of Court (made by Order in Council, with the concurrence of the judges). The purpose of the present Act is twofold ; in the first place it restores the former rights, and in the second place (by expressly enacting the new provisions as rules of law and not as Rules of Court) it avoids the possibility of their being altered except by the Legislature.

Political Rights.—The Political Disabilities Removal Act (No. 23) qualifies public servants to contest parliamentary elections ; if a public servant is a successful candidate, he automatically vacates his office in the public service, but he is not obliged to resign his office before contesting an election. For the purpose of his candidature, he is entitled to leave of absence without pay for the period of four weeks immediately preceding the election.

The Act also empowers trade unions, industrial unions (that is, unions registered under the Industrial Conciliation and Arbitration Act) and organizations of public servants to apply their funds in the furtherance of political objects.

Pensions (Civil and Military).—The Pensions Act (No. 26) increases the rates of old age pensions, widows' pensions, miners' pensions and other civil pensions. It also repeals the former provisions providing for pensions on account of blindness, and in lieu thereof makes more comprehensive provision for the grant of " invalidity pensions " to applicants who are (1) totally blind ; or (2) permanently incapacitated for work by reason of accident, illness or congenital defect.

The War Pensions Amendment Act (No. 27) increases the rates of war pensions payable to certain classes of soldiers' dependents, and also increases the rates of " economic pensions " granted to soldiers and their dependents.

Agricultural Workers.—Act No. 30 prescribes the minimum rates of wages to be paid and the holidays to be allowed to workers employed on dairy farms, and also (in lieu of the requirements of earlier Acts dealing with the same subject-matter) prescribes the nature of the accommodation to be provided by employers for all classes of agricultural workers.

Law Reform.—The Law Reform Act (No. 31) substantially adopts the following enactments of the Parliament of the United Kingdom, viz. :

(1) 17 & 18 Geo. V, c. 36, s. 19 (covenants in leases as to assignments, etc.) ; (2) 24 & 25 Geo. V, c. 41 (effect of death on causes of action) ; (3) 25 & 26 Geo. V, c. 30 (law as to husbands and married women, and as to tortfeasors).

It deals also with two other unrelated matters, namely : (1) the recovery

by an action at common law of damages in respect of injuries suffered by a worker in the course of his employment ; and (2) charges on insurance moneys payable under contracts of insurance to indemnify the insured against his liability to pay compensation or damages. Corresponding provisions (which are now repealed) were formerly included in the Workers' Compensation Act and in the Motor-vehicles Insurance (Third-party Risks) Act.

Mortgagors and Lessees Rehabilitation.[1]—Act No. 33 appears to mark the final stage of the process begun by the Mortgagors Relief Act, 1931 (No. 3), which provided for a moratorium for mortgagors and for the reduction and remission of interest, and was progressively extended by various amendments until the Rural Mortgagors Final Adjustment Act, 1934–35 (No. 50) provided for capital adjustments in the case of farmer mortgagors. The present Act repeals the former legislation and provides for an immediate and final adjustment in all cases, without the five-year period of budgetary control provided for by the Act of 1934–5.

The general purpose of the Act in relation to farmer mortgagors or farmer lessees is expressed to be to retain them in the use and occupation of their farms as efficient producers, and to make such adjustments of their liabilities as will ensure that the liabilities secured on any property do not exceed the value of that property, that the rent of any leasehold property does not exceed the rental value of that property, and that the total amount and terms of payment of all their liabilities (whether secured or unsecured) are such that, after allowing for all normal current expenditure and providing for the maintenance of themselves and their families in a reasonable standard of comfort, they may reasonably be expected to meet their liabilities as they become due, either out of their own moneys or by borrowing on reasonable terms. The general purpose in relation to home mortgagors and lessees and other mortgagors and lessees is to make similar adjustments, but in the one case taking no account of unsecured liabilities except those directly relating to the home property, and in the other case restricted to secured liabilities only.

Elaborate machinery is provided for carrying out the above general purposes. The existing Court of Review is continued, and one of its functions is to determine the fair values of each applicant's property to serve as a basis for adjustment, taking into account in the case of farm land its productive value, based on past prices. Any amount secured on the property in excess of the value so fixed becomes unsecured, and is written off unless the applicant can afford to pay it out of his income or other resources. Provision is made for a moratorium during the period allowed for applying for adjustments, and for the automatic release of guarantors unless their creditors notify them to apply for adjustments. For a limited period any mortgagor may repay his mortgage if the mortgagee does not reduce the rate of interest to the current rate at which a new loan can be arranged.

After readjustment a farmer may have his farm mortgaged to 100 per cent. of its ascertained value, but he will in effect, no doubt, have an equity (so long as prices do not fall below their present level) by reason of the facts that the income of farm lands is to be ascertained on the basis of the prices ruling over a period including the depression years, and is to be capitalized at a prescribed rate, which may exceed the ruling interest rate,

[1] Contributed by H. Dartrey C. Adams, First Assistant Law Draftsman (by whom this Act was drafted).

and that the value so ascertained may be reduced to make it a "fair value" for the purposes of adjustment.

Land and Income Tax.—Act No. 34 makes various amendments of the law as to the assessment of land tax and income tax. The Land and Income Tax (Annual) Act (No. 35) fixes the rates of tax payable for the current financial year. One of the principal changes is the substitution of a graduated rate of land tax (rising to 6*d.* in the £ of the "unimproved" value) for the flat rate of 1*d.* in the £ that has been payable for several years past. Important changes have also been made in the assessment of income tax; for example, a flat exemption of £210 is substituted for the former sliding exemption with a maximum of £210. The general effect of the legislation is to increase the amounts payable, whether as land tax or income tax.

An important change (for which provision is made in the new legislation but which has not yet been brought into effective operation) is that which contemplates the substitution of a periodical payment of tax, by instalments throughout the year, in place of the present system under which income tax for any year is payable in one lump sum towards the end of the year.

Main Highways.—Act No. 39 enables the Main Highways Board, with the concurrence of the Minister of Public Works, to declare certain main highways (in whole or in part) to be State highways. For the construction and maintenance of State highways the Crown assumes entire financial responsibility, whereas in the case of other main highways local authorities are required to contribute towards the cost both of construction and maintenance.

Industrial Efficiency.—Act No. 40 is expressed to be "An Act to promote the economic welfare of New Zealand by providing for the promotion of new industries in the most economic form and by so regulating the general organization, development and operation of industries that a greater measure of industrial efficiency will be secured."

The term "industry" is so defined as to include any "trade, occupation, business, manufacture, works or service of any kind whatsoever."

Part I of the Act establishes a "Bureau of Industry," consisting partly of Government officials and partly of representatives engaged (whether as principals or as workers) in industry. Separate representation is provided for manufacturing industries and also for primary industries. The Act contemplates the preparation of "industrial plans" to be enforced in accordance with regulations. Part III deals with the licensing of industries. This Part applies only with respect to industries to which it is expressly applied by the Minister who is charged with the administration of the Act. Heavy penalties are imposed on persons carrying on without a licence any industry for the carrying on of which a licence is required. Part IV enables the Governor-General in Council to make regulations for the effective administration of the Act (including power to fix maximum and minimum prices for goods and services).

International Convention.—The Geneva Convention Act (No. 42) gives effect in New Zealand to the provisions of the latest Convention governing the use of the Red Cross and also of the Federal colours of Switzerland. Hitherto the Geneva Convention Act, 1911 (Imperial) (relating to the Red Cross) has been in force in New Zealand, but the whole matter is now covered by local legislation.

Shipping.—The Protection of British Shipping Act (No. 43) is designed to protect British shipping from unfair competition in the carriage of

passengers and goods between New Zealand and Australia. It has no operation unless and until it is implemented by Order in Council, the Governor-General in Council having authority to apply it so as to prohibit the trans-Tasman carriage of passengers and goods by the ships of any particular country on any of the following grounds, namely: (*a*) that by the operation of the laws of that country British ships are prohibited from carrying passengers or goods between ports of that country or between that country and any territory or territories belonging to that country; or (*b*) that by the operation of the laws of that country restrictive conditions, that are not applicable to the ships of that country, are imposed on the carriage by British ships of passengers or goods between any ports or territories of that country; or (*c*) that the ships of that country receive from any source any subsidies, concessions, rebates, allowances or other valuable privileges whatsoever which enable them to compete on unequal terms with British shipping in the carriage of any passengers or goods.

Education.—Act No. 44 provides for the readmission of five-year-old children to the State schools; the age was raised to six years (as a measure of economy) in 1931. The amending Act also makes provision for dispensing with certain examinations ("proficiency" and "competency") at the end of the public-school course, and for the admission of children to secondary schools without formal examination.

Workers' Compensation.—Act No. 45 increases the amounts payable by way of compensation for accidents suffered by workers in the course of their employment. It also provides for the payment of compensation in certain cases where the relationship of master and servant does not exist (*e.g.* in the case of certain "taxi" drivers, who are technically "owners," and in the case of what are known locally as "share-farmers"). Hitherto the basis of compensation has been the "average weekly earnings" of the worker concerned; in lieu of this basis there has now been substituted "a full working-week's earnings, exclusive of overtime" (except in cases where the average earnings would exceed a full week's earnings). The expression "a full working-week's earnings" does not necessarily coincide with the actual earnings of the worker concerned in any week, but denotes the amount that he would earn in a full week, without overtime or without any loss of time, at the ordinary rate of pay for the work on which he was employed at the time of the accident.

Wool Industry.—The Wool Industry Promotion Act (No. 48) makes provision for the imposition of a levy (at a rate to be from time to time fixed by the Minister of Agriculture, but not exceeding 6*d.* a bale) on all wool produced in New Zealand, whether such wool is exported or is used for manufacture in New Zealand. The proceeds of the levy are to be administered by a Committee to be set up under the Act (to be known as the New Zealand Wool Publicity Committee). The function of the Committee is to promote the use of New Zealand wool by publicity, assistance to research or otherwise; express authority to act in association with bodies having similar functions in other parts of the British dominions or elsewhere is conferred on the Committee.

Hospitals.—The Hospitals and Charitable Institutions Amendment Act (No. 50) imposes on every Hospital Board a liability in tort for the wrongful acts or omissions of the members of its staff (whether professional or lay, and whether honorary or paid) to the same extent as if the members of such staff were servants of the Board.

Coal Mines.—Act No. 51 makes various provisions to ensure the safety

of coal miners ; in particular it makes provision for the establishment by the Government of central rescue-stations in coal-mining areas, to be maintained by levies on coal-mine owners, based on their annual output of marketable coal.

Native Lands.—Act No. 53 makes elaborate provision in connexion with the farming of blocks of Crown lands and Native lands by Natives. The main purpose of the Act is not so much the inauguration of new schemes of land development for the benefit of Natives, but rather that existing schemes may be put on a better basis.

Dentists.—Act No. 57 is a consolidation, with material alterations, of the Dentists Act, 1908, and its amendments. Under the repealed Acts the registration of dentists was effected by the Registrar-General of Births, Deaths and Marriages. The new Act brings the machinery provisions for the registration of dentists into line with the provisions governing the registration of medical practitioners, nurses, masseurs, opticians and other related professions. For this purpose it establishes a Dental Council which is the registering authority, and which, in addition, has extensive disciplinary powers over practising dentists. One of the subsidiary objects of the Bill is to prevent the establishment in the future (without interfering with existing rights) of private companies formed to carry on the business of dentistry (so that the practice of dentistry will be in the nature of personal services rendered by a professional man in his own name).

Statutes Amendment.—During and since the war there has been developed in New Zealand a practice of including in so-called Finance Acts general amendments of the law that are not related in any way to the proper subject-matter of such Acts. Every Government has admitted that the practice is wrong, but every Government has insisted on such amendments of the law being included in the Finance Bills promoted by it. An attempt has now been made to escape from the evil, and the Attorney-General (the Hon. Mr. Mason) promoted, during the last session, a Statutes Amendment Bill (the intention being that there should be included in it only such general and relatively unimportant amendments of the law as hardly called for the promotion of separate amending Acts). The result is an Act containing no less than eighty-two sections, some of which cannot be regarded as of minor importance. Moreover, the two Finance Acts passed during the session are both marred by the inclusion therein of matters not proper thereto. Nevertheless, the promotion of the Statutes Amendment Bill is a halting step in the right direction. Of the eighty-two sections of the Act under review, the following call for special mention :

Board of Trade Regulations.—By s. 26 of the Board of Trade Act, 1919, the Governor-General in Council is empowered to make such provision as he deems necessary in the public interest for several specific matters (relating expressly to matters and methods of unfair trading) and finally (in paragraph (*e*) of the said section), " For the regulation and control of industries *in any other manner whatever* which is deemed necessary for the maintenance and prosperity of those industries (that is, the industries of New Zealand) and the economic welfare of New Zealand." The judicial application to this authority of the *ejusdem generis* rule has resulted in a limitation of the literal meaning of the authority quoted above. To remove any doubts as to the validity of existing regulations, s. 14 of the Statutes Amendment Act expressly validates all such regulations ; to prevent future regulations being upset on the ground that the

authority conferred by the section in question has been exceeded, the *ejusdem generis* rule is expressly excluded in cases where the construction of the paragraph above quoted is in question.

As to the *ejusdem generis* rule itself it is of interest to note that as long ago as the year 1908 the late Sir John Salmond recommended to the Government of the day that the rule be abolished, but the clause by which this was proposed to be done was deleted by the House of Representatives from the Acts Interpretation Amendment Bill in which it had been included. In his " Explanatory Memorandum " prefaced to the Bill in question Sir John Salmond made the following observation : " The rule is one which gives rise to constant uncertainty and difficulty, and there seems to be no reason why the Legislature, when using a general term, should not be held to mean exactly what it says."

Companies.—Misrepresentation which induces any person to take shares in a foreign company is, by s. 19 of the Statutes Amendment Act, made a good defence in an action to recover calls on shares of the company.

Testators' Family Maintenance.—S. 26 of the Statutes Amendment Act brings illegitimate children within the benefits of Part II of the Family Protection Act, 1908 (so as to permit of the modification of the will of a testator who has failed to make adequate provision for the maintenance and support of any illegitimate child of which the testator may be the father or the mother).

Trial of Corporations for Offences.—S. 42 of the Statutes Amendment Act makes provision for the committal for trial of corporations charged with indictable offences, on the lines of s. 33 of the Criminal Justice Act, 1925 (Imperial).

Rating.—S. 65 of the Statutes Amendment Act exempts from liability for local rates lands that are used for the purposes of any theological seminary, or of any institution (in the nature of a charitable institution) established for the relief of the aged, infirm, sick or needy, notwithstanding that in proper cases a charge may be made for the relief afforded.

Of the other matters dealt with in the Act, the following may be mentioned by way of illustration : Bankruptcy (ss. 8, 9) ; Births and Deaths Registration (ss. 10–13) ; Cinematograph Films (*re* licensing of operators of " projection " machines) (s. 18) ; Magistrates' Courts (ss. 49–53) ; Municipal Corporations (ss. 58–60) ; Stock Remedies (ss. 72–5) ; Trustees (ss. 80–2).

It is interesting to note that not less than eight of the sections included in the Statutes Amendment Act are in amendment of legislation passed earlier in the same session, the reason being, partly at least, that some of the legislation relating to wages and hours of work had some unforeseen consequences.

V. WESTERN PACIFIC.

1. FIJI.

[*Contributed by* R. S. Thacker, Esq., *Attorney-General.*]

Thirteen Ordinances were passed by the Legislative Council during 1936, of which the following are the principal :

Boxing and Wrestling Contests.—Ordinance No. 5 provides a measure of control over all boxing and wrestling contests in the Colony. The Ordinance is based on legislation of New Zealand where the type of

wrestling, in particular, which had, prior to the introduction of the Ordinance, become popular in the Colony has been prevalent for some time. In accordance with the practice in that Dominion it is provided that no boxing or wrestling contest shall be held without a police permit. The Ordinance gives power to make regulations providing more particularly for the grant of these permits and laying down rules by which the size and nature of the ring, the duration of rounds and kindred matters will be governed.

Post Office.—Ordinance No. 10 replaces the Postal Ordinance, 1877, which had long called for revision, in such a way as to provide for modern requirements and to ensure that the rules of the Universal Postal Convention are being complied with in this Colony. Much of the law dealing with internal affairs, such as parcels, money orders and conveyance of mails, has been brought up to date and covers the existing practice. The Ordinance confers an exclusive right on the Post Office to convey letters by land. Masters of foreign-going ships are required to give the Post Office 24 hours' notice of departure, while 6 hours' notice is required in the case of local vessels. The requirements of the Universal Postal Convention in regard to prohibited articles have been complied with. New Post Office Regulations and Money Order and Postal Order Regulations have also been enacted and make provision for rates of postage, dimensions and the form in which postal packets may be made up, the various classes of articles which may be carried and rates of exchange.

United Kingdom Designs (Protection).—Ordinance No. 11 provides in effect that the registered proprietor of any design registered in the United Kingdom under the Patents and Designs Acts, 1907 to 1932, shall enjoy in the Colony all the rights he enjoys under the United Kingdom Acts. This Ordinance repeals the Designs Ordinance, 1933, by which provision was made for the local registration of designs and also the registration of United Kingdom designs at a reduced fee, as it was found in practice that this form of legislation was not required.

Stamp Duties.—Ordinance No. 15 makes several amendments to the Stamp Duties Ordinance, 1920. The most important is that made in respect of the duty on agreements or contracts for sale which were previously liable to 4*s*. stamp duty only. Under this Ordinance certain of these agreements or contracts are made liable for *ad valorem* stamp duty as if they were transfers on sale. When a transfer is made in pursuance of such agreement duly stamped with *ad valorem* stamp duty, however, the transfer will not be liable to any further duty, but the fact that full duty has been paid will be endorsed thereon.

2. WESTERN PACIFIC.

(i) GILBERT AND ELLICE ISLANDS.

Ordinances passed—3.

Closed Districts.—Ordinance No. 2 empowers the High Commissioner to declare any island or part of an island as a closed district and thereafter entry is prohibited except to natives of the closed district, government officers or persons acting under order of the High Commissioner or Resident Commissioner in the course of their duties, and licensees. Licences to enter a closed district are granted by the Resident Commissioner, who may, if he thinks fit, prescribe conditions which are endorsed on the licence.

Penalties are provided for entering without a licence, and for offences by licensees.

Licences.—By No. 3 licence fees for motor vehicles are graduated according to the unloaded weight of the vehicles.

(ii) BRITISH SOLOMON ISLANDS.

King's Regulations—5.

Advisory Council.—Ordinance No. 2 creates an Advisory Council consisting of the Resident Commissioner and not more than seven other members, not more than four of whom are to be non-official members and the remainder official members. The Council is to be dissolved and reconstituted at intervals of three years calculated from October 1, 1933, and membership thereof ceases with the dissolution of the Council. Eligibility for membership is restricted to British subjects resident in the Protectorate, and official members cannot continue as members of the Council after employment in the service of the Protectorate Government has ceased. Appointments to the Council are made by the Resident Commissioner after consultation with and approval by the High Commissioner, and each member has to take the oath of allegiance or, if by law allowed, affirmation in lieu thereof. Provisions are also made for meetings of the Council and for the conduct of its business.

Mining.—By No. 5 holders of mining leases have to pay a royalty of 5 per cent. of the value of all gold mined, extracted or collected instead of 2*s*. on every ounce of gold raised (No. 7 of 1927).

(iii) KINGDOM OF TONGA.

Acts passed—15.

Sanctions.—Acts Nos. 3 and 4 apply certain economic sanctions against Italy.

Savings Bank.—Act No. 7 is on the lines of the recommendations of a committee appointed by the Secretary of State for the Colonies for the purpose of examining the working of savings bank legislation.

Poll Tax.—No. 8 amends and consolidates the law relating to poll tax.

Dock Regulations.—Act No. 10 was passed to give effect to the Convention of the International Labour Conference, 1932, concerning the protection against accidents of workers employed in loading and unloading ships.

Counterfeit Currency.—The Criminal Offences Act, 1926, is amended by Act. No. 12 and provides that the court before which the offender is tried may order the seizure and delivery to the Treasurer, or to his representative, of any counterfeit currency or dies, instruments or material used or intended to be used in making counterfeit currency.

Educational Films.—Act No. 15, giving effect to a convention signed at Geneva, 1933, for facilitating the international circulation of films of an educational character, exempts certain educational films from the payment of customs duty.

(iv) NEW HEBRIDES.

[*Contributed by* His Honour G. A. Joy, *Resident Commissioner.*]

Liquor Control.—Joint Regulation No. 1 suspends for one year obligation to procure a permit to purchase liquor.

Economic Sanctions.—Joint Regulation No. 2 brings into effect economic

sanctions in respect of Italian territories and territories in effective military occupation of Italian forces.

Anthrax.—Joint Regulation No. 3 is designed to prevent the introduction of anthrax.

Animal Diseases.—Joint Regulation No. 5 provides for the disposal of animals suffering from tetanus.

VI. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* A. A. Schoch, Esq., LL.D., K.C., *Senior Government Law Adviser.*]

In 1936 the Parliament of the Union of South Africa passed thirty-nine Acts, of which the following deal with other than financial or purely local matters :

Blind Persons.—Act No. 11 provides for the registration of all white or coloured blind persons in the Union who apply for registration. The Act does not apply to native blind persons. The Act provides that every person registered under the Act who is nineteen years old or older, is domiciled in the Union and is a Union national shall be entitled to a pension the amount whereof is to be determined by an official styled the Commissioner of Pensions, according to the particular circumstances of each pensioner ; provided that a pension shall not exceed £36 per annum if the pensioner is a white person or £24 per annum if the pensioner is a coloured person ; and provided, further, that in no case shall the pension together with any income or means of the pensioner (other than earnings) or together with half of his earnings exceed £64 per annum in the case of a white person or £48 per annum in the case of a coloured person, and a person in receipt of a blind person's pension is debarred from drawing an old age pension. Various provisions of the Old Age Pensions Act, 1928, are made applicable in connexion with blind persons. The Act under consideration further makes provision for State subsidies to be paid to certain associations towards their costs of caring for blind persons.

Representation of Natives.—Before 1936, Natives resident in the Cape Province had the right, subject to the possession of certain low property and educational qualifications, to be registered as voters and to vote at elections for the House of Assembly and the Cape Provincial Council. In the Transvaal and the Orange Free State the Natives had no such franchise rights. In Natal Natives could qualify for the franchise, but the matter was so hedged about with restrictions that the number of Natives registered as voters in that Province was negligible, so that in reality the position of Natives in Natal was in this respect the same as that of Natives in the Transvaal and the Orange Free State. The Representation of Natives Act (No. 12) takes away from the Natives of the Cape Province their rights to be enrolled on the same voters' lists as Non-Natives and to participate in the ordinary elections for members of the House of Assembly and of the Cape Provincial Council. The Act provides for the compilation of a roll of Native voters resident in the Cape Province, separate from the roll of Non-Native voters in that Province, and it gives to Native voters so registered the right to elect three members of the House of Assembly and two members of the Cape Provincial Council.

The Act also provides for the representation of Natives in the Senate by the election of one senator by each of four electoral colleges. The Native members of the United Transkeian Territories General Council constitute one of the electoral colleges, and the other electoral colleges consist of chiefs, headmen, local councils, Native reserve boards of management, Native advisory boards and special electoral committees to represent Natives not otherwise represented. The voting units in each electoral college represent the Native tax-payers domiciled within their respective areas, and each voting unit exercises a number of votes determined according to the number of its tax-payers. The Act also provides that if at any time after the expiration of seven years the Governor-General is satisfied that civilization and local government amongst Natives have progressed to such a stage as to justify an increase in the representation of Natives in the Senate, he may by proclamation increase the number of electoral colleges to five or six, each of which will have the right to elect one senator.

The senators, members of the House of Assembly and members of the Cape Provincial Council elected under the Act hold their seats for five years, notwithstanding any dissolution of the Senate, the House of Assembly or the Cape Provincial Council. They enjoy all the rights, powers, privileges and immunities which senators, members of the House of Assembly and provincial councillors elected under the South Africa Act have, except, in the case of members of the House of Assembly and provincial councillors, the right to vote at an election of senators.

The Act also provides for the establishment of a Natives Representative Council, to consist of twenty-two members. Of these, the Secretary for Native Affairs, who presides over the meetings of the Council, and five Chief Native Commissioners are official members. Four Natives are appointed by the Governor-General as nominated members. The remaining twelve members, who must be Natives, are elected, three by the Native members of the United Transkeian Territories General Council, and nine by electoral colleges representing Natives. The nominated and elected members of the Council hold their seats for five years, and each receives an allowance of £120 per annum. The functions of the Council are consultative and advisory. It considers and reports upon proposed legislation in so far as it may affect the Native population, all matters referred to it by the Minister of Native Affairs and all matters specially affecting the interests of Natives, and it may recommend to Parliament or to any provincial council any legislation which it considers necessary in the interests of Natives. If the Minister of Native Affairs certifies that he is of opinion that any Bill or draft Ordinance that it is proposed to introduce or that has been introduced into Parliament or a provincial council contains provisions specially affecting the interests of Natives, the Bill or draft Ordinance may not be introduced, or, if already introduced, may not be proceeded with, until it has been referred to the Council for consideration and report. Estimates of revenue and expenditure for the purchase and development of and by the South African Native Trust and for Native education and for any other purpose in the special interests of Natives must be submitted by the Minister of Native Affairs to the Council for consideration and report by it. Reports by the Council are laid upon the Tables of both Houses of Parliament, and if they deal with matters on which any provincial council has power to legislate or with

which any provincial council is concerned, they are also laid upon the table of that provincial council.

As the Act disqualifies Natives in the Cape Province from being registered as voters in the ordinary voters' lists, it was necessary, in terms of s. 35 of the South Africa Act, that it should be passed at a joint sitting of both Houses of Parliament, and at the third reading be agreed to by not less than two-thirds of the total number of members of both Houses. This procedure was followed and the necessary majority obtained.

Orange Free State Metals Mining.—Until recently very little mining other than diamond and coal mining was carried on in the province of the Orange Free State, so that there was no need for elaborate laws regulating the mining of precious or base metals in that province. But during the last few years there has been much prospecting for gold in the said province, and as it was expected that the opening of gold mines might result therefrom, the various laws dealing with the mining of precious metals and of base metals, which were previously only in force in the province of Transvaal, were by Act No. 13 extended to the Orange Free State, except in so far as the said Act otherwise provides. The only important point on which the said Act diverges materially from the Transvaal law is the regulation of trading rights on land proclaimed a public digging or held under mining title. In Transvaal the owner of such land has no right to carry on any trade or business on that land, whereas the Act under consideration reserves to the owner of private proclaimed land the right to conduct on that land the business of a general dealer or to keep an eating house for non-Europeans. But he may conduct that business only on a site indicated or "reserved," on his application, by the mining commissioner after having heard any person who may be adversely affected by the reservation of the particular site in question. If the owner of proclaimed land does not establish a shop or an eating house for non-Europeans thereon, or does not provide sufficient trading facilities to meet the requirements of persons residing on that land, or if he charges excessive prices in his shop or eating house, the mining commissioner may direct him to remedy the position, and if the owner fails to comply with that direction, the mining commissioner may reserve a trading site on that land and let it by public tender. The rent for a trading site so let accrues to the owner of the land.

Protection of Girls.—S. 2 of Act No. 3 of 1916 imposed certain penalties upon the commission of indecent acts with a girl under the age of sixteen years, but proof that the girl was a prostitute or that the person charged was under the age of sixteen years was previously a sufficient defence to a charge under the said section. Act No. 17 of 1936 has altered this defence to proof (*a*) that the girl was a prostitute and that the person charged was under the age of twenty-one years, and that it is the first occasion on which he is charged under the section; or (*b*) that the person charged was under the age of sixteen years; or (*c*) that the girl or the person in whose charge she was deceived the person charged into believing that she was over the age of sixteen years.

Native Trust and Land Act.—The passing of the Natives Land Act (No. 27) of 1913 was the first step in the practical application throughout the Union of the principle of territorial segregation of the European and Native races, which had been advocated by the South African Native Affairs Commission, 1903–5. That Act provided that, except with the approval of the Governor-General, a Native might not acquire from a

Non-Native, nor a Non-Native from a Native, any land or interest in land in any area outside the scheduled Native areas defined in the Act, and that, except with such approval, a Non-Native might not acquire any land or interest in land in such a scheduled Native area. These scheduled Native areas comprised the then existing Native reserves and locations throughout the Union and, in addition, much land privately owned by Natives. The Native Trust and Land Act (No. 18) of 1936 is designed to supplement, and give effect to the principle contained in the 1913 Act. The restrictions imposed by the 1913 Act upon the acquisition of land did not apply to land situated within the Cape Province, but by the 1936 Act have been applied also to such land. The Act of 1936 establishes a body corporate, called the South African Native Trust, in which are merged the existing Native trusts and funds, *viz.* the Natal Native Trust, the Zululand Native Trust, the Putili Trust, the Orange Free State Imperial Grant in Aid and the Native Development Account. The affairs of the Trust are administered by the Governor-General as Trustee, who has power to delegate any of his powers as Trustee to the Minister of Native Affairs, who must act in consultation with the Native Affairs Commission. The Act lays down that the Trust shall be administered for the settlement, support, benefit and material and moral welfare of the Natives of the Union. There is established a fund, called the South African Native Trust Fund, which is administered for the purposes of the Trust. The Fund derives its revenue mainly from grants by Parliament, but it also receives rent from Natives, prospecting and licence fees, the proceeds of certain fines, etc.

The Act defines new areas, called released areas, in which, though they are situated outside the scheduled Native areas, the restriction imposed by the Act of 1913 upon the acquisition of land or interests in land by Natives from Non-Natives is withdrawn. These released areas are destined ultimately to belong exclusively, or almost exclusively, to Natives or the Trust.

The Act vests in the Trust all Crown land situated within the scheduled Native areas and the released areas and also all Crown land which is situated elsewhere, but has been reserved or set aside for the occupation of Natives. The Act empowers the Trust to acquire land for Native settlement to such an extent that the land so acquired, together with the Crown land situated within the released areas which the Act vests in the Trust, and land situated outside a scheduled Native area and acquired by Natives after the commencement of the Act, amounts to 7,250,000 morgen (one morgen = 2·1165 English acres). The Trust may expropriate land situated within a scheduled Native area or released area, subject to the payment of compensation; and whenever the Governor-General considers that for reasons of public health or for any other reason it would promote the public welfare or be in the public interest to do so, he may expropriate land of which a Native is the owner, and which is not situated within a scheduled Native area or a released area, subject to the payment of compensation.

In each of the Provinces pre-Union legislation exists which regulates the residence of Natives on privately owned land in rural areas. Chapter IV of the Act contains a body of law on this subject. It will not apply in scheduled Native areas or in released areas, but may be applied by the Governor-General to other areas, and if it is so applied to any area, the pre-Union legislation referred to will cease to apply to that area.

Land Bank.—Act No. 21 provides that when the Land and Agricultural Bank has advanced money to a co-operative agricultural company, every member of that company shall be liable to the Bank, as surety for the repayment of the advance, for an amount equal to the direct benefit (by way of a loan or payment for goods or services) which the member derived from the money advanced to the company. The Act also imposes the duty on such a company to render returns to the Bank, showing the members who have become liable as sureties, as aforesaid, and the extent of their liabilities.

Broadcasting.—Act No. 21 provides for the establishment of the South African Broadcasting Corporation, a corporate body to be controlled by a board of not more than nine nor less than seven " governors " appointed by the Governor-General, for the purpose of carrying on a broadcasting and a television service in the Union.[1] The Corporation has virtually the monopoly of the right to broadcast, because the Act provides that the Postmaster-General may not issue a broadcasting licence under the Radio Act, 1926, to any person without the consent of the Corporation. Provision is made for the appointment of local councils at various places in the Union for the purpose of advising the Corporation with regard to matters connected with broadcasting. Shortly after the Act under consideration came into operation the Corporation purchased, in terms of the Act, the business and all the assets (including copyrights and performing rights) of the African Broadcasting Company, a limited liability company which had previously carried on broadcasting in the Union. The price payable for the property so taken over was determined by arbitration. The Act empowers the Corporation to pay the purchase price agreed upon wholly or in part by stock or debentures bearing interest at the rate of 6 per cent. per annum. The Corporation is, further, empowered to borrow money, and in connexion with such loans and the other financial transactions of the Corporation the Act makes applicable some of the financial provisions of the Electricity Act, 1922, which apply to the Electricity Supply Commission established under that Act. The revenue of the Corporation consists of the greater portion of all listeners' licence fees collected under the Radio Act, 1926, by the Postmaster-General, and of all fines imposed under that Act upon persons for possessing radio apparatus without a licence. The Act under consideration contains elaborate provisions for the auditing of the accounts of the Corporation and empowers the auditors to summon, under criminal sanction, any person to appear before them for the purpose of giving evidence on oath or producing documents, and to surcharge improper expenditure or losses improperly caused.

Insolvency.—Act 24 repeals the Insolvency Act, 1916, with its various amendments passed in 1926, and re-enacts most of its provisions in a somewhat amended form and in a more logical sequence. Like its predecessor, the Act under consideration covers the whole field of insolvency, so that a summary of all its important provisions would take up too much space. It will suffice to draw attention to the most important provisions which distinguish the new Act from the former Insolvency Act.

Under the 1916 Act, the provisional trustee of an insolvent estate was appointed by the sequestrating court on the petition of a creditor—generally the creditor on whose petition the estate was sequestrated. This sometimes led to the appointment of very unsatisfactory provisional

[1] At the end of 1937 no television service had been inaugurated.

trustees. Under the new Act the Master of the Supreme Court (the officer who supervises the administration of insolvent estates) appoints the provisional trustee, who takes charge of the estate during the critical period between the date of sequestration and the date of appointment of a trustee elected at a meeting of the creditors of the insolvent.

Under the 1916 Act a debtor could surrender his estate even if the surrender benefited only the debtor himself and not his creditors. The new Act provides (s. 6) that the court may accept the surrender of an insolvent estate only if, *inter alia*, the surrender will be " to the advantage of creditors of the debtor." This is a far-reaching innovation on which the views of members of Parliament and of lawyers diverged very widely.

Under the 1916 Act it was permissible but not obligatory to sequestrate the estate of a partner in a partnership whose estate was sequestrated. Under the 1936 Act the court sequestrating a partnership estate must simultaneously sequestrate the estate of every member of that partnership (other than partners *en commandite* or other similar statutory sleeping partners) except the estate of a partner who has given security for the payment of the partnership debts.

Under the 1916 Act various complications could arise when an unrehabilitated insolvent commenced business again at a place where he was unknown, acquired considerable assets which he encumbered and then went insolvent again. To overcome some of the difficulties which may arise in such a case, s. 24 of the 1936 Act provides that if an insolvent purports to alienate, for valuable consideration, without the consent of his trustee any property belonging to his insolvent estate, which he acquired after the sequestration of his estate (or any right to such property) to a person who has no reason to suspect that the estate of the insolvent is under sequestration, the alienation shall nevertheless be valid.

S. 29 of the new Act introduces an innovation which has a far-reaching effect upon banks. It provides that if a bank has lent money by way of overdraft to a customer whose estate is thereafter sequestrated, then all payments made by the customer to the bank after the earliest date within the period of six months immediately preceding the sequestration, on which his liabilities exceeded his assets, may be set aside by the court as a voidable preference, in so far as the total of those payments exceeded the total of all sums lent by the bank to the customer after the said date.

Under the 1916 Act all claims against an insolvent estate had to be proved at a meeting of creditors by the creditor or his representative. Under the 1936 Act a claim may be proved without personal appearance, provided the papers necessary to support the claim have been submitted to the officer who is to preside at the meeting in question, not less than twenty-four hours before that meeting.

Another very important innovation is a provision in the new Act that if a person wishes to prove or has proved a claim against an insolvent estate at a meeting of creditors, the presiding officer may summon the claimant for interrogation by himself, or by the trustee or his agent, or by a creditor whose claim has been proved, or by the latter's agent. If the person summoned fails to appear or refuses to be sworn or to answer any lawful question, his claim may be disallowed.

Under the 1916 Act it was possible for a debtor of the insolvent to evade payment of his debt by buying claims against the estate at a price far below their face value and thereafter to set off his debt against those claims ; but s. 46 of the 1936 Act enables the trustee with the consent of

the Master of the Supreme Court to ignore any cession of a claim resulting in a set-off (if it was entered into within the year preceding the sequestration) or any other transaction resulting in a set-off (if it was entered into within the six months preceding the sequestration) unless in either case the set-off was effected in the ordinary course of business.

In view of the very extensive powers (partly already provided for in the old Act and materially extended in the new Act) to examine an insolvent, any of his creditors and any other person who may be able to throw light on his affairs, the cumbersome and expensive procedure for the investigation of an insolvent's affairs by a commission of the court has been abolished.

The most important innovations introduced by the new Act in connexion with rehabilitation are to be found in s. 124 (2), which prohibits the rehabilitation of an insolvent within a period of four years from the sequestration of his estate, unless the Master of the Supreme Court recommends it, and in s. 128, which prohibits the rehabilitation of a partnership.

The provisions of Chapter VI of the 1916 Act, which dealt with assignments, have not been re-enacted in the 1936 Act, because those provisions were often grossly abused, and because it was felt that it was undesirable to have two sets of different rules (*i.e.* one by way of assignment and one by way of voluntary surrender or compulsory sequestration) for the liquidation of the assets of an insolvent debtor.

Customs Tariff.—Act No. 25 contains new provisions enabling the Government to impose an extra customs duty on certain goods imported over sea at a lower freight than the normal freight for the carriage of such goods and on certain iron and steel products, whose cost, landed in Union ports of other South African ports from which they are imported into the Union, is lower than the " fair average price on the world's markets," plus normal insurance and freight charges to the port of discharge. The schedules annexed to the Act contain a large number of detailed alterations in the customs duty payable on various articles under the Customs Tariff Act of 1925.

Sugar.—Act No. 28 provides for very drastic control of the sugar industry for the purpose of checking overproduction and disposing of surplus sugar. If the representatives of 90 per cent. of the growers of sugar cane who have, during the preceding year, produced 90 per cent. of all sugar cane produced in the Union, and representatives of millers of sugar cane who have during the preceding year produced 90 per cent. of all sugar produced in the Union, and representatives of refiners of sugar have entered into an agreement to fix the price which the millers shall pay the growers for cane, to regulate the production of sugar cane and the marketing of sugar and to establish a board for the purpose of carrying out the agreement, the Minister of Commerce and Industries may give the force of law to that agreement by publishing it in the Government *Gazette*, and thereupon it becomes binding upon all growers and millers of sugar cane and upon all refiners of sugar. Even if no such agreement as aforesaid has been entered into, the said Minister may lay down rules such as could have been embodied in such an agreement, and make them binding as if they were such an agreement. The Act also empowers the said Minister to fix the maximum price which may be charged for various grades of sugar, and to limit the quantity of white sugar which may be sold by millers and refiners during any year in the Union and the mandated territory of South-West Africa.

Tenure of Land by Asiatics in Transvaal.—Act No. 30 amends in various respects prior legislation dealing with land tenure or occupation of land in Transvaal by Asiatics. The Transvaal Law No. 3 of 1885 prohibited the acquisition of ownership of land by Asiatics, except in certain areas assigned by the Government for occupation by Asiatics. The Act under consideration provides that the Government may not so assign any land unless both Houses of Parliament have by resolution authorized such assignment. On the other hand, the Act empowers a municipality with the authorization of both Houses of Parliament to alienate to Asiatics any land within the area of jurisdiction of that municipality which was set apart for occupation by Asiatics. (Previously a municipality could only let such land to Asiatics.) The Transvaal Gold Law (Act No. 35 of 1908) prohibits the occupation by coloured persons (including Asiatics) of certain land to which that law applies. The Act under consideration empowers the Minister of the Interior if authorized by both Houses of Parliament to exempt certain areas from that prohibition, even if the prohibition is also included in the title deeds of that land for the benefit of the owners of other land in the same township as the first-mentioned land, and thereupon an Asiatic may acquire the ownership of any land so exempted. The Act further amends Act No. 8 of 1932, which empowers the Minister of the Interior to exempt from the above-mentioned prohibition of the Gold Law Asiatic consular officers or public agents or certain other servants of a State, by including among the persons who may be exempted Asiatics practising a learned profession, and distinguished Asiatic visitors, and the Act under consideration empowers certain of the exempted persons to acquire, with the consent of the said Minister, the ownership of land which they require for their work or for residential purposes. The Act contains various other provisions which give effect to the recommendations of a commission appointed by the Government in 1932 mainly to inquire into the position of Asiatics and other coloured persons who were occupying land along the Witwatersrand in contravention of the Gold Law.

Housing.—Act No. 31 empowers a local authority with the approval of the Minister of Public Health to expropriate land for the purpose of erecting a dwelling thereon under the Housing Act, 1920.

Government Service Pensions.—Act No. 32 repeals about three-quarters of the provisions of the Public Service and Pensions Act, 1923, and re-enacts those provisions in an extensively modified form.

The main differences between the new Act and the 1923 Act are the following:

Under the 1923 Act all officers appointed to the public service after the establishment of the Union in 1910 had to contribute 4 per cent. of their salaries to a pension fund. This proved inadequate to maintain the fund in a solvent state, and the new Act therefore raises the contributions to between 5·25 per cent., and 8 per cent., according to the age of the officer when he joined the public service.

Officers who joined the public service after the commencement of the new Act must pay a somewhat higher contribution to the pension fund than other officers, but their retiring pensions are based upon their average annual salary over the last seven years of service instead of over the last twenty-five years of service, as provided for in the 1923 Act.

Under the 1923 Act a pensioner could commute up to one-third of his pension for a cash payment representing the capital value of the commuted

part of the pension, but he could do so only on compliance with certain conditions and not as of right. Under the new Act every officer receives on retirement a cash payment representing a capital value of one-quarter of the amount which would have been paid to him by way of annuity if the cash payment had not been made.

Officers who were in the public service on the date of commencement of the new Act had the option, during a period of six months after that date, to come under the provisions applicable to officers who joined the public service after that date.

A large class of persons in the permanent service of the State were not covered at all by the pension provisions of the 1923 Act. The new Act provides for retiring benefits from a provident fund for certain European servants of the State who do not fall under any other pension scheme. They have to contribute 3 per cent. of their emoluments to the said fund and the State contributes an equal amount. On retirement a contributor receives the total of his own and of the State's contributions on his behalf, with interest at the rate of 4 per cent., compounded annually.

Orange Free State Statute Law Revision.—Act No. 33 repeals a large number of pre-Union laws of the Orange Free State which had lapsed or become inapplicable or obsolete.

Income Tax.—Act No. 34 does not diverge materially from its annual predecessors, except in regard to income derived from gold mining. The Act repeals the Gold Mines Excess Profits Duty Acts of 1933, 1934 and 1935, and provides for a new formula for the taxation of gold mines in addition to an income tax proper which amounts to three shillings in the pound for companies carrying on gold mining.

Finance.—Act No. 35 contains a large number of heterogeneous provisions, most of which are not of sufficient general interest to warrant their mention in this review. There is one section (No. 8), however, which deserves special notice. It provides for the establishment of a " charge " on land whereon certain irrigation works were made by means of comparatively small sums of money lent by the State to the owner of the land in question. The charge is noted in the deeds registry on the title deed of the land, and need not be discharged when the land is transferred to another owner, as must be done in the case of a mortgage. The liability for payment of instalments and interest in redemption of the charge attaches to the owner of the land and passes from one owner to another on transfer. The charge must be paid off within a period of twenty years in such instalments as the Minister administering the Irrigation and Conservation of Waters Act, 1912, may determine. When instalments are more than three months in arrear or when the owner concerned does not comply with the conditions of the liability in question the said Minister may recover the instalments due or the whole debt. Another section of the Act lays down how the State's surplus of revenue over expenditure for the financial year 1935–6 must be disposed of. £1,000,000 is to be applied towards making good the deficit in the pension fund established under the Public Service and Pensions Act, 1923. £250,000 is to be applied in payment of subsidies to persons who exported more maize than they were obliged to export under the Acts relating to the control and export of maize. £500,000 is to be applied in refunding amounts deducted from the salaries of certain officials under Act No. 21 of 1932. £800,000 is to be paid to the credit of the loan account, and the balance of the surplus is to be applied towards the redemption of public debt.

Public Service Act Amendment.—Act No. 36 amends in various respects the Public Service and Pensions Act, 1923, which is referred to above under "Government Service Pensions." The Act under consideration deals with the functions of the public service commission and contains detailed provisions for the removal from office of officers who are unfitted to perform their duties satisfactorily, but who have not been guilty of any misconduct. The Act also lays down in detail the procedure which must be followed in dealing with an officer who has been accused of misconduct, and what steps may be taken against him if the alleged misconduct has been proved. Lastly the Act provides that no pensioner may be employed in a full-time capacity in the service of the Government or of a provincial administration unless the public service commission has recommended and the Minister of Finance or his delegate has approved of the appointment, but that, if a pensioner is so employed, he shall be paid the emoluments usually attaching to the office in question, without regard to his pension.

2. CAPE OF GOOD HOPE.

[*Contributed by* A. J. Pienaar, Esq., K.C., B.A., LL.B.]

Ordinances Nos. 1, 2, 13, 21, 22 and 25 are the customary annual finance measures and require no comment. Ordinances No. 7 (Umzimkulu Road Board Amendment) and No. 14 (Douglas Municipality (Alteration of Boundaries)) being of purely local application are in like case. It must be borne in mind that there were two sessions of the Council, hence the number of finance Ordinances and the fact that the Roads Ordinance (No. 3) was amended by No. 27 and that there are two Ordinances amending the Municipal Ordinance (No. 10 of 1912).

Roads.—Ordinance No. 3 is due to the passing by the Union Parliament of the National Roads Act, 1935 (Act No. 42). That Act established a National Roads Board, with power to declare certain roads national, provincial or special roads. The construction and maintenance of such declared roads continued to be entrusted to the Provinces. In the Cape the Main Roads were fixed by Ordinance No. 21 of 1927, and there was no power to amend the schedule describing such roads except by Ordinance. S. 1 of this Ordinance gives power to the Administrator by proclamation to divert main roads which fall under the National Roads Act, 1935, and to amend the schedule describing such roads.

Furthermore, in order to give effect to such amendments and to straighten main roads by means of diversions, he is given power to declare a public road over land over which there had never before been a road, and he may do this without liability to pay compensation, and in disregard of the title deeds of the owner. S. 2 empowers the Administrator to construct and maintain a road which has been declared a national, provincial or special road, but note the amending Ordinance (No. 27) by s. 1 limits this power to cases where the local Divisional Council is unwilling or unable to do the work. Ss. 3, 4 and 5 increase the amount of subsidy payable to Divisional and Municipal Councils by the Provincial Administration. The amending Ordinance (No. 27) adds new sections, some of which are of great importance. New s. 6 provides that the Administrator may fix and determine the overall width of a declared or recommended national road (or portion), provided that this width does not exceed 100 Cape feet, and until such determination the overall width of a national road shall be 100 Cape feet. If in consequence of such determina-

tion cultivated lands or land on homesteads are taken, compensation is to be paid. The Administrator may also fix the "made-up" width. Ss. 7 and 8 provide respectively for the removal of fences and obstructions erected before and after the width of a road has been determined, and s. 9 makes the Provincial Administration liable for payment of compensation where such is payable. The "made-up" width is defined as that portion of the road which has been or is intended to be constructed for the use of wheeled vehicles, and "overall" width means made-up width plus the width to be allowed on each side for sidewalks, cuttings, embankments . . . kerbs, parapets, fences . . . or any other work forming part of or connected with the road.

Fisheries.—No. 4 amends the principal Ordinance (No. 30 of 1920) by applying its provisions to the whole of the Province instead of to the tidal and inland waters. This was introduced because a prosecution which alleged an offence on land had failed.

Nurses' Salaries.—No. 5 permits a special allowance or remuneration for special services to be paid in addition to the salary laid down by Ordinance No. 25 of 1929. It is made retrospective to the date of commencement of the principal Ordinance.

Divisional Councils and Roads.—No. 9 is the annual amendment of the principal Ordinance (No. 13 of 1917). Only two of the amendments merit special notice. S. 2 amends s. 121. Under s. 2 transfer of immoveable property of a person who has become insolvent cannot be passed unless it is certified that any rate which is due in respect of any period not exceeding two years immediately preceding the date of sequestration has been paid. A rate which becomes due after sequestration becomes an administration charge in the insolvent estate. These amendments bring the law in respect of preference of arrear rates due to a Divisional Council into harmony with the provisions of the Insolvency Act, 1936. A similar amendment occurs in Ordinance No. 20, which deals with Municipalities. The other amendment gives Divisional Councils power to regulate for and impose a licence fee not exceeding five shillings on ordinary bicycles.

Game Laws.—No. 10 amends the Game Laws Consolidation and Amendment Act, 1909, by giving power to the Administrator to grant special permits, subject to conditions, to the owner of land enclosed by fences in such a manner that game other than feathered game cannot escape, to shoot and kill game at any time. An important condition is that such game may not be removed from the owner's land, unless the local magistrate, being satisfied that the number of head does not exceed the permitted number but exceeds the owner's own requirements, authorizes the removal.

Shop Hours.—By s. 9 of the principal Ordinance (No. 14 of 1930) a local authority could not make a closing order for shops earlier than 6 o'clock in the evening. Now a closing order may be made not earlier than 5 o'clock in the evening. Under s. 14 the working hours per week could be extended for stocktaking and special work by not more than 3 hours per day or 45 in one year. The present Ordinance (No. 11) permits this extension in connexion also with the dispatch and delivery of foodstuffs.

Horse Racing and Betting.—S. 1 of No. 15 amends Ordinance No. 8 of 1914 by empowering the Administrator to exempt race-meetings held for charity from the totalizator tax in respect of the first £200 of its gross

takings, s. 2 amends s. 12 of Ordinance No. 23 of 1932 by permitting "take-back" bets which resulted in loss to be deducted for the purpose of calculating winnings. Take-back bets are defined as covering bets between bookmakers.

Motor Cars.—The amendments of the principal Ordinance (No. 12 of 1926) by No. 16 to be specially noted are: (1) "Police Officer" includes Traffic Inspector or Sub-inspector, and "police constable" any other constable or officer appointed by a local authority. This amendment is consequent on the Union Government withdrawing its police from traffic control duties. (2) An owner who disposes of his car must take steps to obtain cancellation of its registration within fourteen days (formerly twenty-one days) and must transmit his licence within fourteen days to the new owner. (3) The Administrator may call upon anyone holding a driver's licence to submit himself to a test of competency or to a medical examination. (6) Any person who being domiciled in a State or territory which is a contracting party to the International Convention relative to Motor Traffic (Paris, 1926) is in possession of a current International Driving Permit, issued in terms of that Convention, is exempted from taking out a driver's licence under the Ordinance. So, too, a vehicle in respect of which a valid International Certificate has been issued may be used without registration or licence as long as it complies with Art. 3 of the Convention. (7) A new section is substituted for s. 7 which makes it an offence for any person to obtain a licence while his licence is suspended or subject to endorsement. (8) Power is given to make regulations providing for the closing of public roads for the purpose of motor racing and enabling local authorities to make admission charges to enclosures. (9) Any person importing a car or applying for a new licence for a car must make a declaration giving a description or model of the make and weight of the car.

Vermin Extermination.—The parent Ordinance No. 10 of 1927 makes provision for the establishment in Divisional Council districts of Vermin Clubs and for the payment of rewards for the destruction of vermin (mainly jackals). Ordinance No. 17 has included baboons and wild dogs among the animals classified as vermin and has modified the scales of reward. The Provincial Administration continues to subsidize the Divisional Councils for payment of rewards. The Councils are empowered to collect the subscriptions of members of clubs. The grant which a Divisional Council may pay towards maintenance of a pack of hounds is increased from £30 to £45 per annum. A Divisional Council may exempt an owner from dog tax in respect of two dogs if they are suitable and used for protecting stock and crops.

Valuation.—Owing to the abolition of the Provincial Immovable Property Tax the Provincial Administration is no longer interested in the general valuation of immoveable property. The cost of such valuations in rural and municipal areas was formerly shared by the Administration and the local authorities concerned. Ordinance No. 18, while continuing the Provincial liability to contribute, has readjusted the proportionate shares.

Licences.—The parent Ordinance (No. 19 of 1930) derives its validity from the Licences Consolidation Act, 1925, and the Provincial Subsidies and Taxation Act, 1925 (Act No. 46). Ordinance No. 19 makes a number of administrative changes in the parent Ordinance and modifies the licence fees prescribed for trout fishing. An important alteration relating

to the licence fee payable by importers of goods was made in consequence of an amendment made by the Union Parliament. By Act 50 of 1936 the limit of the tax, *viz.* £310, was abolished. This Ordinance deleted the limit fixed in the parent Ordinance and provided a sliding scale for the collection of the tax.[1]

Local Government.—The annual amending Ordinances, Nos. 20 and 26, of the Cape Municipal Ordinance, 1912, contain the usual crop of changes in the existing law, of which the following deserve mention. (1) Under s. 81 of the principal Ordinance acts of bribery and corruption, etc., enumerated as illegal practices for Provincial Council Elections shall be deemed to be such at municipal elections. No. 20 provides in s. 2 that a candidate at a municipal election need not make and publish a return of his election expenses. (2) Resolutions passed by a Council relating to any lawsuit to which the Council is a party shall be entered in a separate minute book which shall not be open to inspection by rate-payers. (3) Further powers are given to make regulations in regard to camping, controlling the erection of wireless masts and the licensing and supervising of cinematograph apparatus and operators. (4) Councils are given power to take over and maintain disused cemeteries and for that purpose to remove human remains and memorials.

Ordinance No. 26 exempts from the operation of the Municipal Ordinance, and any regulations framed thereunder, immovable property vested in the Educational Trustees appointed in terms of s. 312 of the Education Ordinance, 1921 (No. 5). Before this amendment s. 380 of the Municipal Ordinance, 1912, provided that nothing in the Ordinance or regulations shall affect the rights of the Crown, the Union Government or Provincial Administration. Municipalities claimed that, *e.g.* their building regulations were binding in respect of schools which were vested in the Educational Trustees, who hold such property for the Provincial Administration. The present amendment is the answer to that claim.

Taxation Exemption.—As a result of recent litigation it was found that certain school buildings, such as house masters' residences, were exempt from rates and taxes. No. 23 validates the collection of such rates and taxes prior to the court's decision.

Personal Tax.—A rebate of 50 per cent. of this annual tax is given by No. 24 for the year ending June 30, 1936.

3. NATAL.

[*Contributed by the* Hon. Mr. Acting Justice Carlisle.]

Fifteen Ordinances were passed by the Provincial Council of Natal during the calendar year 1936. Of these three were appropriation measures, and one provides for the payment of pensions and gratuities to certain ex-employees of the Natal Education Department.

Local Government.—The bulk of the Ordinances passed deal with local Government. Ordinance 4 amends the Borough Trade Dues and Control Ordinance, No. 25 of 1926, and Ordinance 5 amends the Township Trade Dues and Control Ordinance, No. 26 of 1926, in similar fashion; an important amendment is effected in the case of townships by allowing the Town Board, if it is of opinion that there is already within a particular

[1] In 1937 these provisions were further amended and the validity of the legislation has been tested in the Supreme Court. Further reference will be made to it when the legislation for 1937 is being dealt with.

area a sufficient number of trades or businesses of the class in respect of which a certificate is sought, or for any other reason, to authorize the issue of a licence subject to conditions or restrictions as may be agreed to by the applicant limiting the nature of the business to be carried on. These conditions or restrictions are to be endorsed by the Receiver of Revenue upon the licence, and the carrying on of the business contrary to them is to be deemed to be a trading without a licence.

Ordinance 8 gives increased borrowing powers to the Borough of Newcastle, and authorizes the Council to impose a flat rate upon agricultural land in that Borough.

Ordinance 13 grants extended powers to the Borough of Durban. Ordinance 14 does likewise for the Borough of Pietermaritzburg.

The various Durban Telephone Laws are amended and consolidated by Ordinance 15.

The parent Ordinances of both Boroughs and Townships, *viz.* 19 of 1924 and 11 of 1926, have been amended by Ordinance 10 and Ordinance 11 respectively in many minor respects.

Motor Vehicles.—The Motor Car and Road Transport Ordinance, No. 18 of 1926, is further amended by Ordinance 7, which grants a rebate of £2 off the annual tax payable under the main Ordinance and extends the period for payment of registration fees from January 31 to March 4.

Shop Hours.—Ordinance 9 permits the sale of petrol, oil and motor accessories on Sundays or after the usual closing time by a person authorized to deal therein who carries on business outside the area of jurisdiction of a Town Board or Town Council. Any authorized person may sell bait to anglers at any time so long as he does not do so in a shop during closing hours. A Town Council or Town Board is empowered and authorized to pass by-laws regulating the opening and closing hours of shops kept within their respective areas of jurisdiction.

Education.—Ordinance 12 by s. 1 enacts that (save in certain specified secondary schools) instruction up to and including the sixth standard, the supply of books and other school requisites in schools maintained by the Province shall be free for European children. S. 2 provides that by and with the consent of the Administrator in Council free secondary education and books may be supplied to pupils in necessitous circumstances who have passed the sixth standard up to the year in which such pupils reach sixteen years of age.

The provisions of this Ordinance may be applied to coloured children attending schools maintained by the Province.

4. ORANGE FREE STATE.

[*Contributed by* H. PRING, ESQ.]

Ten Ordinances were passed by the Provincial Council of the Orange Free State during the year 1936. Nos. 1, 2, 3 and 8 were Appropriation Ordinances whilst Nos. 4, 5, 6, 7, 9 and 10 amended existing Ordinances. The amendments were as follows:

Local Government.—Ordinance No. 5 amends the Local Government Consolidation Ordinance, No. 15 of 1935, (*a*) to empower town councils and municipalities to make regulations for the control of animal-drawn vehicles. Regulations framed by a town council for the control of such vehicles were declared *ultra vires* the powers conferred by s. 189 of the Local Government Consolidation Ordinance, No. 15 of 1935. The sub-

section now added will remove any ambiguity as to a town council's powers; (*b*) to make the provisions of ss. 8 and 9 of Ordinance No. 15 of 1935 as to the disqualification of town councillors applicable to membership of village management boards; and (*c*) to enable village management boards to raise loans up to a maximum of £3,000.

Roads.—Two Ordinances were passed during 1936 amending the Roads Ordinance No. 6 of 1932. Ordinance No. 4 provides: (*a*) that the powers and functions which the principal Ordinance vests in the Superintendent of Roads be vested in the Provincial Roads Engineer. Since the 1932 Ordinance was passed the title "Superintendent of Roads" has been changed to "Provincial Roads Engineer" and (*b*) gives effect to a decision of the National Roads Board that the width of such main roads as may be proclaimed in the Province shall be 100 Cape feet.

Ordinance No. 9 (i) removes an ambiguity in s. 14 (3) of Ordinance No. 6 of 1932; (ii) enables the Administrator to undertake or cause to be undertaken the construction and maintenance of any road or bridge within the limits of a local authority where the road or bridge forms part of a road proclaimed a national road; (iii) empowers a District Road Board to indicate the position of an outspan in cases where the owner of ground subject to the servitude of outspan declines to indicate the site; (iv) empowers the Administrator to make regulations prescribing the conditions of service of road workers.

Road Boards.—The object of Ordinance No. 10 is to exclude the right of appeal to a Special Road Board in cases where a road which it is proposed to open, deviate or close is a road which has been declared, or which the Administrator and the National Road Board recommend should be declared, a national road under the National Roads Act, 1935. The amendment is given retrospective effect to preclude any dispute as to whether the right of appeal exists in the case of applications made to a District Road Board prior to the promulgation of the amending Ordinance.

Fish Preservation.—Ordinance No. 6 amends the Fish Preservation Ordinance, No. 11 of 1933, the object being to exclude from the offence created by s. 8 of the principal Ordinance the killing of fish by means of a rifle.

Hospitals.—Ordinance No. 7 amends the Hospitals Ordinance, No. 13 of 1933, the object being (*a*) to prevent municipalities which are represented on a Hospital Board under s. 7 (2) of the principal Ordinance from having a vote in their capacity as a contributor in the election of members by registered contributors to the funds of the Board; (*b*) to empower the Administrator in the case of the Board of a Central Hospital controlled by a Medical Superintendent to increase or decrease the number of members constituting the Board other than at the request of the Board; (*c*) to permit of the employment in maternity homes of midwives who have not been registered as trained nurses.

5. TRANSVAAL.

[*Contributed by* A. A. Hope, Esq., M.A., B.C.L.]

During the year 1936 a general election for the Provincial Council was held; the new Council did not meet, but prior to the election the old Council passed eleven Ordinances, four of which were appropriation Ordinances.

Game.—Doubts were expressed as to the validity of certain provisions of the Game Ordinance passed the previous year.

The powers of the council to legislate on this subject were widened by s. 4 (*b*) of Act 50 of 1935 of the Union Parliament. The Game Ordinance, which makes use of these extended powers, was introduced into the Provincial Council before the enabling Act came into force. Accordingly in 1936 a short Ordinance (No. 4) was passed, validating by reference all sections of the Ordinance which had been included in anticipation of the acquisition of wider powers.

The Game Ordinance is further amended (No. 10) to permit landowners to shoot zebra without a licence and to sell the skins or the meat. The zebra is one of the commoner species of game which does not stand in need of any special measures of protection in the Transvaal, although the position is different as regards the mountain zebra of the Cape.

Taxation.—The prosperous finances of the Province are reflected in two Ordinances abolishing the entertainment tax on seats costing one shilling or less (No. 6) and abolishing the wheel tax (No. 5). The wheel tax was designed to secure a contribution towards the cost of country roads by persons resident in the countryside whose vehicles, other than motor cars, had previously paid no tax at all. As these vehicles mostly consist of iron-tyred wagons, which inflict considerable wear on the roads, a tax of this nature was demanded by town members when the taxation on motor vehicles was increased in the time of stringency in 1931. The repeal of the wheel tax has not, however, been accompanied by any reduction of the duties on motor vehicles.

Shop Hours.—The Shop Hours Ordinance is amended by No. 8 to fit in with the wage legislation of the Union; Kosher butchers are given the right to keep their shops open on Saturday evenings provided they remain closed during the day.

Rating.—A decision that a right to carry on greyhound racing was not an interest in land in terms of the Local Authorities Rating Ordinance is met by an amendment (No. 9) which makes such a right taxable. The Rating Ordinance is also amended to cover the freeholder's share of claim licences in terms of the amended Gold Law passed by the Union Parliament.

Hospitals.—The Public Hospitals Ordinance is amended by No. 11 to define the rights of contributors to elect representatives to hospital boards, and to secure more effective audit of accounts by provincial authorities.

6. NORTHERN RHODESIA.

[*Contributed by* E. E. Jenkins, Esq., *Acting Attorney-General.*]

During the year 1936 thirty Ordinances were passed, of which nineteen were amendments to the existing law. The more important enactments were as follows:

Post Office Savings Bank.—Ordinance No. 6 is the result of investigations by a Committee appointed by the Secretary of State for the Colonies to examine the Government Savings Banks systems in the Colonies. The report of the Committee *inter alia* stressed the following points, which were not dealt with in the existing legislation of this Territory: (*a*) that savings bank accounts should be kept distinct from the accounts of any Government department; (*b*) that all expenses incurred on savings bank business should be charged against savings bank funds; (*c*) that savings bank accounts should be laid annually before the Legislature; (*d*) that the proportion of surplus funds invested in local securities should

not exceed one-third ; (*e*) that the relations between savings bank funds and the public revenues should be such as to preserve a reasonable balance between the immediate interest of the tax-payer and his ultimate liability for the security of the bank's financial position.

The Ordinance was passed to give effect to these recommendations.

Native Authority.—Ordinance No. 9 re-enacts the existing law with certain amendments, the principal of which are :

" Appointment " of native authorities is altered to " recognition," following the principle of constitution in accordance with native law and custom.

The sections of the existing law dealing with the appointment, tenure of office and dismissal of chiefs were deleted : no such appointments had been made since the existing law was enacted, and it was considered that such matters are better regulated by native law and custom. Power is retained for the Governor in Council to direct an inquiry as to chieftainship in any case of doubt.

The power of a native authority to issue orders to be obeyed by natives within the local limits of its jurisdiction is made subject to the general or special directions of the Governor.

Power is given to establish native treasuries for the area under the control of any native authority. As yet native authorities have not handled public moneys : the time is considered ripe for these bodies to have powers of levying certain rates, dues and fees and to gain experience in managing their own financial affairs. Control is vested in the Governor.

Power is given to the Governor to except any native or class of natives from the jurisdiction of any native authority.

Native Courts.—Ordinance No. 10 replaces the short enabling Ordinance of seven sections which was enacted in 1929 to initiate the system of native courts in the Territory. Experience of its working revealed certain defects, especially as regards the provisions for appeals, and it was considered desirable to enact a more comprehensive law. Provision is now made for the recognition of native courts by warrant under the hand of the Governor, or under the hand of a Provincial Commissioner if he is so authorized by the Governor. Courts are to be " recognized," and not " appointed " as in the existing law, following the principle of constitution in accordance with native law and custom. The jurisdiction of each court will be defined in its warrant, and not in rules of court as formerly. Practice and procedure are to be regulated in accordance with native law and custom, and appeals will lie first to the native court of appeal, thence to a magistrate's court and finally to the High Court.

Townships.—Ordinance No. 12 adds to the principal Ordinance a Part, on the lines of Parts V and VI of the Municipal Corporation Ordinance, providing for the election of members of Township Management Boards which can be applied to any township the advanced growth of which renders desirable an elected Management Board.

Tobacco Marketing and Levy.—Ordinance No. 13 implements an agreement between the tobacco producers of Southern Rhodesia, Nyasaland and this Territory to restrict the export of tobacco to the United Kingdom to the visible or reasonably anticipated demand. Provision is also made for the allocation between growers of the Union of South Africa quota, and, if so desired by the majority of growers, for the imposition of a levy

not exceeding sixpence per hundred pounds, to be utilized for the benefit of the tobacco-growing industry.

Barotse Native Authority.—Ordinance No. 25 provides for the recognition of the Native Authorities in the Barotse Province, which was excluded from the provisions of Ordinance No. 9 of 1936, and is identical with that measure, save that, in accordance with the terms of certain treaties and agreements, the powers reserved to the Paramount Chief are more extensive than those which have been conferred on chiefs in other parts of the Territory.

Barotse Native Courts.—Ordinance No. 26 provides for the recognition and regulates the procedure of native courts in the Barotse Province and is identical with the Native Courts Ordinance, 1936, which excluded the Barotse Province from its operation, save that more extensive powers are reserved to the Paramount Chief.

7. SOUTHERN RHODESIA.

[*Contributed by* R. J. Morton, Esq., M.C., K.C., *Solicitor-General.*]

During the second session of the Fourth Parliament forty-two public Acts were passed, of which sixteen dealt with financial matters or minor amendments of the existing law.

Agriculture.—Five Acts deal with the marketing of produce. No. 5 is concerned with unmanufactured flue-cured tobacco of the Virginia type and has, at any rate, the merit of sweeping away the existing marketing system which had satisfied neither growers nor buyers. Its essential features are that sales, whether for export or internal manufacture, are confined to licensed auction floors, which are controlled by a statutory board composed of representatives of both growers and buyers; that no growers or combination of growers and buyers are allowed to manufacture tobacco of their own growing unless it has passed over an auction floor; and that all export is controlled by a system of Government permits. These essentials still remain, but, before these notes were written, a complicated system of quotas which the Act built up around them has after a year's trial been repealed without regret. It is enough to say that this system attempted the impossible task of giving to every individual grower, whatever the quality of his produce, a fair share in those markets in which Southern Rhodesian tobacco is protected by tariff walls or by preferential tariffs under customs agreements.

A much simpler Act, No. 30, which deals with tobacco of the Turkish type, merely enables the Government to share out amongst all growers the requirements of the profitable market in the Union of South Africa.

Nos. 4 and 20, respectively, continue for another year the system of levies on the internal consumption of meat and bounties on beef export and of control of maize marketing.

No. 38 establishes a board, representative of the Government, the Empire Cotton Growing Corporation, the British Cotton Growing Association and local cotton growers, with very wide powers to finance and supervise research work, to acquire and operate ginneries, to market cotton and generally to assist the development of the cotton-growing industry; but no monopolistic powers are given. S. 10 may contain the germ of future marketing schemes for other native crops, as it compels the board, if requested by the Governor, to "act as agents, buyers,

brokers and sellers for export only in respect of any agricultural produce whatsoever which is grown by natives within the Colony."

Three Acts reflect the agricultural depression. No. 33 establishes a board independent of the Land Bank to effect adjustments of farmers' debts. No. 22 halves debts due to the Treasury by landowners in respect of fencing compulsorily erected from 1911 onwards to prevent the spread of animals' diseases and provides for payment by the Treasury of half the cost of all such fences erected in future. No. 40 compels the public registration of stop-orders granted by farmers over the proceeds of growing or future crops in security for debt and restricts the period of their validity to twelve months from the date of execution.

Two Acts, Locust Destruction (No. 7) and Forest and Herbage Preservation (No. 9), are mainly consolidations, but s. 12 of the latter confers a valuable new power to conserve water supplies and prevent soil erosion by enabling special areas to be reserved where grazing of cattle and felling of timber will be entirely prohibited.

Criminal Law.—No. 19 makes a number of amendments to the code of criminal procedure and evidence, of which the following are the more important. A witness may be liable to prosecution if he makes substantially conflicting statements in the course of judicial proceedings ; on his trial it will not be necessary for the prosecution to prove which statement was true or that either statement was material, but it will be a good defence to prove that the accused at the time when he made each statement believed it to be true, or that neither statement was material, or that one was true and the other, though false, was not material. In minor cases an inferior court may now convict and sentence an accused who has pleaded guilty without hearing evidence, if the prosecutor does not tender it. For male offenders the age of liability to sentence of whipping is raised from 16 to 18. The High Court is given as wide powers on appeal as it has previously had on review.

No. 41 aims at the suppression of seditious utterances and publications. The definition of " seditious intention," which practically states the English Common Law on the subject, represents another inroad on Roman-Dutch law. The concern of Parliament for the freedom of the Press has introduced a curious statutory confirmation of the maxim that a resolution of the House has not the force of law. The Act empowers the Governor by order to deem any publication to be seditious, and every such order is to be submitted to the approval of Parliament, presumably by way of resolution, at its next ensuing session ; yet when any publication is seized by virtue of such order, the High Court may, on the application of any person interested and in spite of the approval of the order by Parliament, rule that it is in fact not seditious and order its release from arrest.

Electricity.—No. 6 sets up a control board to licence undertakings for the supply of electricity and gives it powers to control generating conditions and charges and conditions of supply. Licensed undertakings may be expropriated by the Government after not less than thirty-eight years of working. It also establishes an Electricity Supply Commission ; this is a non-profit corporation, financed in its early stages by the Government and empowered to establish and maintain new undertakings and to facilitate the co-ordination and co-operation of existing undertakings. For its scope the Act is surprisingly short.

International Conventions.—No. 1 enables effect to be given to The

Hague Sanitary Convention for Aerial Navigation and No. 37 gives effect to Art. 28 of the Geneva Convention of 1929 respecting the use of the red cross and the white cross.

Mental Disorders.—No. 2, which consolidates and modernizes the law, in some respects goes farther than most other laws within the Empire on the subject. It should go far to satisfy the requirements of the alienists, and had a very easy passage, possibly because it was introduced by a Prime Minister who is himself a medical practitioner. It incorporates the recent English reforms as to special voluntary and temporary treatment without the stigma of certification. On these matters the English Mental Treatment Act of 1930 is closely followed, but in s. 44, which corresponds to s. 5 of the English Act, the phrase " whether or not he is capable of expressing volition " has been substituted for the more troublesome phrase " but is for the time being incapable of expressing himself as willing or unwilling to receive such treatment." S. 76, which deals with limitation of actions by patients, also follows English law, but the period of prescription is three months, and there is a specific and probably unnecessary provision which lays on the plaintiff the burden of proving that the defendant acted in bad faith or without reasonable care. Chapter II, which deals with persons under detention in respect of criminal offences, is in accord with the general principle of the Act that a mentally disordered person should be treated, so far as possible, in the same way as a person suffering from a physical disease and facilitates the removal of a prisoner to a mental hospital where treatment can be commenced at once. For instance, when a prisoner on arraignment or during trial is suspected to be mentally defective or disordered, the question of his sanity will no longer be tried by a jury empanelled for the purpose. He will be remanded for observation by two medical practitioners, and the judge alone will subsequently decide the question on their evidence and such other evidence as he may deem necessary to hear. If the prisoner is found to be suffering from mental disease, he will, until he is cured, be treated in exactly the same way as though he had never been arrested.

Natives.—Increased facilities for transport have brought the problem of the native traveller. Inns and eating-houses for natives are springing up, and for them No. 17 sets up a simple licensing system, not for taxation purposes, but for supervision and ensuring cleanliness and efficiency. For similar reasons the only really new feature of No. 14, which consolidates a number of laws on native registration, is the provision of State hostels on the outskirts of larger European towns where natives travelling or seeking work must obtain accommodation and food at night. No. 16 consolidates the laws on Kaffir beer.

No. 31 affects both Europeans and natives; it extends till 1941 the period during which native tenants, as distinct from employed labourers, may be allowed to remain in possession of land in the European area under the Land Apportionment Act and provides for their gradual removal as suitable land becomes available elsewhere.

Public Institutions.—No. 15 establishes a national museum at Bulawayo vested in a board of trustees who have power to acquire other existing museums and to establish and maintain new museums elsewhere in the Colony. No. 8 sets up a permanent Commission for the Preservation of Natural and Historical Monuments and Relics. Its title is not entirely descriptive of its activities, for the meaning of " monument " has been so widely stretched as to include such things as a waterfall, an area of land

containing distinctive or beautiful flora and " any other object of æsthetic, archæological or scientific value or interest."

Roads and Road Traffic.—No. 36 was the longest Act of the session. The bulk of it deals with motor vehicles and is on the same pattern as legislation in some Crown colonies. Part V, which deals with public service vehicles, has some special features. A national board controls the issue of licences in respect of all vehicles used for carrying passengers or goods for hire or reward, and not merely in respect of those used on regular services; but it will not be able to prevent uneconomic competition between services, because, in s. 79, it is expressly prohibited from refusing any permit on the ground that the proposed route or area is already adequately served. The question of road and rail competition is not directly affected, but the heavier licences imposed and the cost of compulsory insurance against third-party risks may have the effect of eliminating unnecessary road services. Compulsory insurance applies immediately only to public service vehicles, but enabling powers are given to apply it to other classes of vehicles when the Governor is satisfied that the required insurance can be effected at reasonable rates. In general, the insurance clauses follow English law.

The Act also deals generally with the construction and maintenance of roads, with the licensing and taxation of all other vehicles. Main roads are to be constructed and maintained by the Government. Locally elected road councils can be established to construct and maintain district roads with funds partly raised by local taxation and partly provided from State revenue. There is a curious system of local taxation under these road councils; it is not based on the rateable value of property, but is in the nature of a personal tax on mineowners, landowners and general dealers, based on a sliding scale in which the variable factor is the number of native labourers employed in the case of mineowners and the acreage of land in the case of landowners.

Social.—No. 34 provides a non-contributory scheme of old age pensions for Europeans and coloured persons. The qualifying age is 60 and the maximum pension is £48 a year for Europeans and £24 for coloureds.

No. 42, besides making a number of other minor amendments to the liquor laws, relaxes in favour of social clubs " conducted for sporting and recreational purposes " the existing provisions of the earlier law as to the limitation of the number of licences in urban areas.

No. 18, Nursing Homes Registration, is modelled on the English Act of 1927; the Minister may exempt from its provisions any nursing home which is carried on in accordance with the practice of Christian Science or which is maintained principally for the benefit of natives.

BRITISH EMPIRE.

VII. BRITISH INDIA.

[*Contributed by* S. B. Palekar, Esq., LL.B.]

During the year 1936, twenty-four measures were passed by the Indian Legislature, one Act was made by the Governor-General under s. 67B of the Government of India Act and fifteen Regulations were made by the Governor-General in Council under s. 71 of the Government of India Act. The total number of measures passed in the provinces was 162. The year was again one of considerable legislative activity both at the centre and in the provinces. Among the more noteworthy enactments of the year may be mentioned the Payment of Wages Act, a measure designed for the protection of labour, and the Indian Companies (Amendment) Act, a measure which introduces extensive changes in the law relating to companies in India. Measures designed for the relief of indebtedness formed a prominent feature of provincial legislation.

1. ACTS OF THE INDIAN LEGISLATURE.

Protection of Labour.—The Payment of Wages Act, No. 4, was the latest of several measures based on the recommendations of the Royal Commission on Labour and was designed to remove certain grievances of industrial labour. This Act regulates the payment of wages to certain classes of persons employed in industry and contains provisions restricting the right of employers to make deductions from wages and impose fines on employees. The protection afforded by the Act extends only to persons receiving less than Rs. 200 as wages *per mensem*.

Industrial Protection.—Three measures were passed to afford protection to indigenous industries. Act No. 2 extends for a further period of two years the protection granted to the Indian salt industry by Act No. 14 of 1931. Act No. 10 provides for the continuance of the protective duties on imported wheat, wheat flour and broken rice for a further period of one year. Act No. 12 gives effect to the recommendations of the Tariff Board on the woollen textile industry by extending to all cotton knitted apparel imported in India the existing protective duty imposed on certain kinds of hosiery.

Finance.—The Indian Finance Act, 1936, evoked considerable hostile criticism in the Legislative Assembly. As the Assembly eventually declined to pass it in the form in which it was presented, the Governor-General made the Act in exercise of his powers under s. 67B of the Government of India Act, 1919. The Act provides for the continuance for a further period of one year of certain existing duties and taxes with slight modifications. Income tax on incomes of less than Rs. 2,000 a year is abolished and a reduction is made in the surcharges on income tax and in the rates of super-tax.

Commerce.—An amendment was called for in the Indian Tea Control Act, 1933, in view of the impending separation of Burma from India. India along with Burma was treated as one producing country for the purpose of the International Agreement relating to tea control, and the Indian Tea Control Act which was passed to give effect to this scheme set up one Licensing Committee for the whole of British India including Burma and restricted the total annual exports of tea from British India including Burma to the amount of the Indian overseas export allotment for the year. Act No. 17 was, therefore, passed introducing an amendment in the Indian Tea Control Act to provide for separate licensing authorities and separate overseas export allotments for British India and Burma. Act No. 15 was another amending Act. The Indian Rubber Control Act, which implemented the obligations contracted by the Government of India under the Inter-Governmental Agreement relating to the restriction of the export, production and stocks of rubber, was passed in 1934, but its enforcement had been postponed pending the preparation of certain rules and by-laws to be issued under the Act. Certain amendments were meanwhile found necessary in order to bring the Act into conformity with the Inter-Governmental Agreement. The Act provided for the declaration by the Governor-General in Council of export allotments for India and Burma respectively for a whole year, whereas the practice of the International Rubber Regulation Committee which administered the rubber restriction scheme was to fix the export allotments for the various contracting parties for six months or a shorter period. The Act was, therefore, amended so as to accord with the practice of the International Rubber Regulation Committee.

International Conventions.—Two enactments were passed to give effect locally to international conventions. The Italian Loans and Credits Prohibition Ordinance which was promulgated by the Governor-General in 1935 in pursuance of the obligations imposed on India as a signatory of the Covenant of the League of Nations was limited in its duration. Act No. 1 was, therefore, passed, replacing the Ordinance by legislation which should continue in force for an indefinite period, with power to the Governor-General in Council to repeal it when no longer necessary by issue of a notification. Act No. 14 was enacted for the purpose of implementing Art. 28 of the Geneva International Convention for the amelioration of the conditions of the wounded and sick in armies in the field, drawn up on July 27, 1929. The Act prohibits the use of any sign or designation constituting an imitation of the heraldic emblem of the red cross on a white ground formed by reversing the Federal Colours of Switzerland and also of the heraldic emblem of the white cross on a red ground or of any imitation of such emblem.

Marriage and Divorce.—Act No. 3 was an important non-official measure. Since the old Parsi Marriage and Divorce Act was passed in 1865, circumstances had altered and the views and sentiments of the Parsi community in India had undergone a vast change. A new Act, Act No. 3, was, therefore, passed to bring the law of divorce into conformity with the views of the majority of the community. Among the important features of this Act are those rendering a marriage invalid under the Act unless it is solemnized according to the Parsi form of ceremony and in the case of a party under 21 years of age unless the consent of the father or guardian has been given.

Remarriage except after a lawful divorce or dissolution of the previous

marriage is made unlawful; and bigamy is made an offence under the Act. The Act provides for registration of marriages and divorces and enumerates the grounds on which divorce can be obtained. Special matrimonial courts are to be established to hear and decide matrimonial causes under the Act.

Act No. 16 was a minor enactment passed for the purpose of validating certain irregular marriages solemnized by a Christian missionary in the Civil and Military Station of Bangalore under a mistaken belief that he had been properly authorized to solemnize them.

Company Law.—An overhaul of the Indian law relating to companies was long overdue. The Indian Companies Act, 1913, was based on the English Companies Consolidation Act of 1908 which itself had since been replaced by the Companies Consolidation Act, 1929, effecting extensive changes in the law governing companies in England. Act No. 22, the Indian Companies (Amendment) Act, was, therefore, enacted to bring the law in India up to date. The provisions of the new English Act have been extensively followed, but regard is paid at the same time to certain problems peculiar to Indian conditions. Instead, however, of substituting a new consolidated Act for the existing Act, the Indian Legislature has incorporated the desired changes in the existing Act of 1913 without affecting the original arrangement of that enactment. These changes include provision against the flotation of companies with insufficient capital, for the keeping of proper books of account by companies, for the publication of full details in balance-sheets and for the punctual submission to the Registrar of Companies of a company's balance-sheet. The Act requires that of the Board of Directors of a company at least two-thirds of the members should be selected at a general meeting, and it provides for the removal of directors at the instance of the shareholders. While granting for the first time statutory recognition to the managing agency system, a system peculiar to India, provision is made at the same time for effective control over the system. A new Part is inserted in the Act of 1913 relating exclusively to the law governing banking companies.

Relief against Indebtedness.—Act No. 21 effects a change in the Civil Procedure Code of far-reaching importance to moneylenders and debtors in India. This measure was the outcome of a recommendation of the Royal Commission on Labour in India that in the case of certain industrial workers arrest and imprisonment for debt should be abolished. The measure, however, goes further and affords protection to honest debtors of all classes. It provides further that where a decree is passed for payment of money, no order for execution by detention in prison shall be issued unless the debtor is first given an opportunity of showing cause against the making of the order and the court is satisfied either that (i) the debtor is likely to leave the limits of the jurisdiction of the court or has after the institution of the suit fraudulently disposed of his property, or (ii) that he is able to pay the decretal amount, or (iii) the decree is for a sum for which he was bound in a fiduciary capacity to account.

Administration.—Acts Nos. 6 and 20 relate to the administration of the ports of Cochin and Chittagong respectively. Act No. 24 carries out several changes in the Cantonments Act, 1924, affecting the administration of Cantonment areas.

Mining.—Act No. 11 effects some important amendments in the Indian Mines Act, 1923, for the purpose of ensuring safety in coal mines.

It enlarges the powers already possessed by inspectors to issue orders in regard to mines where danger is apprehended. It also enlarges, in certain respects, the powers of the Governor-General in Council to make regulations for safety purposes and provides for compulsory establishment of central rescue stations.

Aircraft.—Act No. 7 introduces an amendment in the Indian Aircraft Act, 1934, empowering the Governor-General in Council to take action, by making the necessary rules, for prevention of danger arising to the public health by introduction or spread of contagious or infectious diseases from aircraft arriving at or leaving any aerodromes.

Miscellaneous.—Act No. 5 was necessitated by decisions of the Court of the Judicial Commissioner of the Central Provinces holding that certain decrees passed or orders made by the Bombay High Court in the exercise of the jurisdiction which that court conceived it possessed under clause 12 of its Letters Patent, were made without jurisdiction. The Act asserts the validity of all decrees passed or orders made by the different High Courts in similar circumstances in exercise of their jurisdiction under clause 12 or the corresponding clause of their respective Letters Patents. Act No. 19 carries out a small amendment in the General Clauses Act. This measure accords legislative sanction to the view always held by the Government of India that the repeal of an amending Act which made textual alterations in a previous Act does not affect the continuance of the amendments made by it in the original Act. Acts Nos. 9 and 13 effect minor amendments in the Indian Lac Cess Act and the Indian Tea Cess Act respectively. Act No. 18 is another measure necessitated by the impending separation of Burma from India. The Act provides for transfer of a share of the capital of the Indian Red Cross Society to the newly constituted Burma Red Cross Society and for the termination within Burma of the present functions of the Indian Red Cross Society.

2. REGULATIONS UNDER S. 71 OF THE GOVERNMENT OF INDIA ACT.

Out of the fifteen Regulations made during this year, seven related to the newly constituted Province of Orissa and four to the newly constituted Province of Sind. Regulations 1 and 6 declare the law in force in these two Provinces respectively on the date of their constitution. Regulations Nos. 4 and 5 declare the law in force in the districts of the Khondmals and Angul respectively. Regulation No. 2 provides for the registration of medical practitioners in the Province of Orissa. The other Regulations are minor enactments, effecting small amendments in the law in force in the two Provinces.

Regulation No. 7 was an emergency measure, necessitated by the earthquake calamity in Quetta in 1935. The Regulation is to remain in force for two years and provides for the extension of the period of limitation for the institution of suits or other proceedings which could not be instituted within the period of limitation prescribed by the Indian Limitation Act, 1908, owing to circumstances arising from the earthquake of 1935. Regulation No. 8 is a small measure amending the Andaman and Nicobar Islands Land-tenure Regulation, 1926, in relation to succession to the rights of a female occupancy tenant. Regulations 13 and 15 are minor amending Regulations concerning Aden and British Baluchistan respectively.

3. MADRAS.

Acts passed—26.

Relief against Indebtedness.—Act No. 11, known as the Madras Debt Conciliation Act, is aimed at relieving agriculturists in the Presidency from indebtedness. It provides for setting up Debt Conciliation Boards for the settlement of the debts of agricultural debtors. The Boards are empowered, on applications made to them in this behalf, to decide disputes between such debtors and their creditors as to the existence or amount of debts and to bring about and to record amicable settlements of debts. If a creditor, on receiving an offer for settlement, which in the opinion of the Board is a fair offer, declines to accept it, the Act provides for disallowing costs to the creditor in any suit that he may thereafter file for recovery of the debt in respect of which the offer for settlement was made.

Act No. 4, the Madras Debtors Protection (Amendment) Act, provides that in any suit or proceeding relating to a loan advanced after a certain date, if it is found that the interest charged exceeds, in the case of a secured loan, 9 per cent. *per annum* simple interest and in the case of an unsecured loan 15 per cent. *per annum* simple interest, the court shall draw a presumption for the purposes of ss. 3 and 4 of the Usurious Loans Act that the interest charged is excessive, and that the transaction was substantially unfair.

Local Government.—Act No. 10 carries out extensive amendments in the Madras City Municipal Act.

Public Service Commission.—Act No. 12 sets up a Public Service Commission to regulate the public services of the Presidency.

Famine Relief.—Act No. 16 provides for the establishment and maintenance of a Famine Relief Fund for the Presidency.

The other Acts passed were short measures, mostly amending existing enactments.

4. BOMBAY.

Acts passed—24.

Gambling.—Act No. 1 was enacted to deal with the prevalence of what are known as the *Satta* and *ankfarak* forms of gambling on American cotton futures in the city of Bombay. This Act empowers the police to take more effective action against the keeping of common gaming-houses, for the imposition of heavier penalties on the keepers of such houses and for stopping the circulation of news-sheets, etc., calculated to promote these forms of gambling.

Finance.—Act No. 3 extends for a further period of two years the operation of Parts II, III and IV of the Bombay Finance Act, 1932, relating to the levy of a duty on the consumption of electric energy, enhanced court fees and stamp duties.

Cotton.—Act No. 4 amends the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Presidency of Bombay. In consequence of certain malpractices prevalent in ginning and pressing factories, such as the watering of cotton, the mixing of different varieties of cotton and false packing, the reputation of superior cottons had been suffering. The Act aims at preventing these malpractices by the licensing of ginning and pressing factories.

Famine Relief.—Act No. 19 provides for the establishment of a Famine Relief Fund for the Presidency.

Opium Smoking.—Act No. 20 is intended to provide for the effective control of the practice of opium smoking. S. 4 of the Act defines an opium smoking assembly to be an assembly of any two or more persons when the common object of the persons composing that assembly is to smoke opium or to prepare opium for smoking purposes. S. 6 provides that a presumption should be drawn that each member of an assembly was present for the purpose of smoking or preparing opium if there is found at the place of assembly any opium or any instrument of smoking or any apparatus used in the preparation of opium. Ss. 7 and 8 provide penalties for being members of any such assembly and for keeping or having charge of a place of such assembly.

Trusts.—Another useful measure passed during the year was the Parsi Public Trusts Registration Act, No. 23. The Act provides for the registration of trusts created or existing for a public purpose for the benefit of Parsis and for the keeping, auditing, filing, inspection and publication of accounts in respect of such trusts.

Co-operative Societies.—Act No. 8 provides for the establishment and registration of Crop-Protection Societies in the Presidency.

5. BENGAL.

Acts passed—19.

Relief against Indebtedness.—Act No. 7, the Bengal Agricultural Debtors Act, is much on the same lines as the Madras Debt Conciliation Act and is designed to afford the same kind of relief to agricultural debtors in the Bengal Presidency.

Criminal Law.—Act No. 10 imposes the penalty of whipping for the commission of certain offences against women, *e.g.* offences under ss. 366A, 366B, 367, 372 and 373 I.P.C., etc.

Water Hyacinth.—Act No. 13 makes provision for preventing the spread and for the destruction of the plant botanically known as Eichhornia Craassipes-Solms.

Land Assessment.—Act No. 19 provides for the adequate assessment of land revenue or rent on certain lands not used for agricultural purposes.

6. UNITED PROVINCES.

Acts passed—13.

Land Revenue.—An official measure which received the whole-hearted support of non-officials in the Council was Act No. 1, the United Provinces Land Revenue (Amendment) Act, 1936. This measure provides for a revision of the land revenue in the province on the basis of prevailing prices by resettlement where due and by revision of assessment where the period of settlement had not expired.

Famine Relief.—Act No. 10 provides, as in the case of other provinces, for the constitution and maintenance of a Famine Relief Fund for the Presidency under the control of the Local Government.

Cotton Protection.—Act No. 11, the United Provinces Cotton Pest Control Act, is aimed at controlling cotton pest in the province.

Waqfs.—A non-official measure which evoked some interest was Act No. 13, the United Provinces Muslim Waqfs Act. The Act provides for

the better governance, administration and supervision of certain classes of Muslim Waqfs in the province.

7. PUNJAB.

Acts passed—8.

Relief of Indebtedness.—Act No. 2 affords relief to debtors of all classes. This Act exempts, under certain circumstances, land necessary for the maintenance of the owner or his family from temporary alienation in execution of a decree for the payment of money. It also exempts, in certain cases, the ancestral properties of a judgment-debtor from liability in execution of such decrees.

Finance.—Act No. 3 provides a fresh form of taxation, viz. a duty on payments for admission to theatres, cinemas and other places of public entertainment.

Land.—Act No. 4 provides for consolidation of holdings by the redistribution of lands in any estate or sub-division of an estate so as to reduce the number of plots in the holdings.

Copying Fees.—The difficulty experienced in realizing the fees payable for copies of Government records necessitated the making of the Punjab Copying Fees Act, which provides a speedy method of realizing such fees as an arrear of land revenue.

8. BURMA.

Acts passed—9.

Protection of Wild Life.—The purpose of Act No. 7 is to protect wild life in Burma. The Act makes it an offence to hunt or disturb certain species of animals in certain areas and provides for the complete protection of certain animals throughout the whole of Burma.

Relief of Indebtedness.—Act No. 8 is a measure for the relief of agricultural debtors, the provisions of which are very much the same as those contained in the Madras Debt Conciliation Act.

Criminal Law.—Act No. 2, which was made by the Governor of Burma under s. 72E of the Government of India Act, extends the life of the Burma Criminal Law Amendment Act, 1931, for a further period of five years.

9. BIHAR AND ORISSA.

Acts passed—3 and 5.

There were three enactments enacted for Bihar and Orissa before Orissa was constituted into a separate province and five enactments made for Bihar after Orissa was separated from it.

Public Safety.—Bihar and Orissa Act No. 2 was enacted for the purpose of continuing the Bihar and Orissa Public Safety Act, 1933, for a further period of five years.

Mines.—Bihar Act No. 3 provides for the constitution of a Board for certain coal-mining areas in the district of Hazaribag, with powers to undertake or enforce in any mining area such measures as it considers necessary for the purpose of providing a supply of wholesome water, regulating the housing of residents, preventing the outbreak and spread of epidemic diseases and securing the establishment and maintenance of hospitals, dispensaries, etc.

Famine Relief.—Bihar Act No. 5 provides for the establishment of a separate Famine Relief Fund for the province.

10. ASSAM.

Acts passed—15.

Immoral Traffic.—Act No. 4 attacks the growing evil of brothels and other disorderly houses. This measure empowers a magistrate of the first class to order the discontinuance of the use of any house as a brothel or a disorderly house in the vicinity of any educational institution or of any boarding-house, hostel or mess used or occupied by students, and provides for punishment for disobedience of any such order by imposition of a fine.

Land Revenue.—Act No. 8 was passed to regulate reassessment of Land Revenue in Assam. The Act prescribes in detail the procedure to be followed in revising the assessment of land revenue in the province.

Relief against Indebtedness.—Act No. 10, like similar measures in other provinces, corresponds to the Madras Debt Conciliation Act.

11. CENTRAL PROVINCES.

Acts passed—36.

The Central Provinces went through a heavy programme of legislation this year, passing thirty-six Acts as against thirty-one passed during the preceding year. Many of these, however, were amending measures, amending previous enactments in force.

Criminal Law.—Act No. 1 provides for the release of certain first offenders after admonition or on probation instead of sentencing them to imprisonment.

Relief of Indebtedness.—Three measures belonging to this class call for notice. Act No. 5 provides a special procedure for the adjustment and liquidation of debts of industrial workers. Act No. 13 provides for compulsory registration of moneylenders. Act No. 22 affords relief to certain debtors by reducing the rate of interest payable by them on debts.

Nurses and Midwives.—Act No. 23 provides for registration and training of nurses and midwives. It empowers the local authorities to prohibit unregistered persons from practising as nurses or midwives within their local areas.

Finance.—Act No. 30 provides for the levy of a duty on payments for admission to entertainment houses.

Protection to Agriculture.—Act No. 35, the Central Provinces Agricultural Pests and Diseases Act, empowers the Local Government to take measures to prevent the spread of insect pests, plant diseases and noxious weeds.

Improvement Trust.—The last enactment of the year, the Nagpur Improvement Trust Act, embodies a scheme for the improvement and expansion of the town of Nagpur. The Act creates and incorporates the "Nagpur Improvement Trust" for the purpose of executing improvement schemes under the Act.

12. COORG.

Acts passed—3.

Co-operative Societies.—The only enactment of importance passed during the year was Act No. 2, the Coorg Co-operative Societies Act. The Act consolidates and amends the existing law relating to co-operative societies in the province and is designed to afford further facilities for the

formation and working of such societies in the province. The other two enactments are small Acts carrying out minor amendments in existing Acts.

13. NORTH-WEST FRONTIER PROVINCE.

Act passed—1.

Motor Vehicles.—The North-West Frontier Province Motor Vehicles Taxation Act was the only measure passed in this province during the year. The Act provides for the imposition of a tax on motor vehicles in the North-West Frontier Province.

VIII. EASTERN COLONIES.

1. CEYLON.

[*Contributed by* J. M. Fonseka, Esq., LL.B., *Legal Draftsman.*]

1935.

During the year 1935, sixty-one Ordinances were enacted, of which thirty-nine were amendments to the existing law. The more important enactments were as follows:

Coconut Products.—Ordinance No. 13 makes provision for the relief of the coconut industry and for the marketing and exportation of the products of the coconut palm. A corporation styled the "Ceylon Coconut Board" is made responsible for the general administration of the Ordinance and formulates schemes for the relief of the coconut industry. A central sales room is established in Colombo (s. 6) and sale certificates are issued in respect of coconut products sold in the sales room (s. 16). Copra and coconut oil can be exported only on licences issued by the Board on proof that such products were purchased in the central sales room (ss. 17 and 20). To defray the expenses of the Board, a cess is levied on all copra, coconut oil and desiccated coconut exported from Ceylon.

Trade Unions.—Ordinance No. 14 provides for the registration and control of trade unions. The Ordinance is modelled on the Trade Union Acts of 1871, 1876, 1913 and 1927. Some of the provisions are derived or adapted from the Trade Disputes Act, 1906, and the Indian Trade Unions Act of 1926. Registration is made compulsory in the case of all trade unions, whether established before or after the commencement of the Ordinance. The funds of a trade union cannot be applied in payment of a fine imposed on a member by a court of law (s. 40). Money can be spent on "political objects" only out of a special "political fund," which has to be separately constituted. The principle of "contracting in," introduced by the Trade Disputes and Trade Unions Act of 1927, has been adopted in the Ordinance.

Land Development.—No. 19 is a lengthy Ordinance of 172 sections and four schedules. It provides for the systematic development and alienation of Crown lands in Ceylon and is the principal legislative measure enacted during the year under review. Crown lands are "mapped out" for specified purposes (s. 8). Mapped-out land can be alienated to Ceylonese peasants or to "middle-class Ceylonese." The expression "Ceylonese" is defined (s. 2) to mean a person of either sex domiciled in Ceylon and

" possessing a Ceylon domicile of origin." Alleged discrimination against other British subjects in this definition necessitated reservation of the Bill for Royal assent, which was received in July 1935. The expression " middle-class Ceylonese " is defined (s. 171) so as to exclude any person whose statutory income for purposes of income tax exceeds a sum of Rs. 6,000 per annum.

The Ordinance contains many novel features, including special rules of succession and a special form of land tenure. Land is alienated in " holdings " which are either " protected " or " unprotected." Protected holdings cannot be leased, mortgaged or otherwise disposed of without the prior consent of a Government agent ; nor can a protected holding be seized or sold in execution of the decree of any court (s. 39).

In order to guard against the subdivision of the land into separately owned portions too small for economic use, s. 32 provides for the inclusion in a grant of a condition prohibiting the subdivision of a holding below a specified unit, called the " unit of subdivision." Similarly, an undivided share in a holding cannot be less than the prescribed " minimum fraction " for that class of holding. The application of the ordinary law of intestate succession (Roman-Dutch and Kandyan) has therefore been excluded in the case of lands alienated under the Ordinance (s. 170).

Aliens.—Ordinance No. 30 repeals the Supervision of Aliens Ordinance, No. 14 of 1917, and provides for the registration of all aliens in the Island, including those engaged in missionary or educational work. S. 5 authorizes the Governor to deport any alien where such deportation is, in the Governor's opinion, essential in the public interest.

Electricity Board.—Ordinance No. 38 establishes a new corporation styled the " Electricity Board of Ceylon " and vests in that Board the entire administration of the Government electrical undertakings in the Island.

Statistics.—Ordinance No. 44 provides for the establishment of an official Bureau of Statistics and for the supply of information thereto. S. 2 enumerates the matters to which the provisions of the Ordinance can be applied. No person can be required to supply any information which involves the disclosure of any technical process or trade secret relating to his business (s. 6). All information supplied has to be kept confidential, and adequate penalties are provided for the unlawful disclosure of information obtained by the exercise of the powers conferred by the Ordinance (s. 8).

Flag Days.—Ordinance No. 47 provides for the regulation and control of the collection of money or the sale of articles for charitable purposes in streets or public places. The Ordinance is modelled on the provisions of s. 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act, 1916 (6 & 7 Geo. V, c. 31), and regulations have been made under the Ordinance similar to those framed for the control of flag days, etc., in the Metropolitan Police District of London.

Short Titles of Ordinances.—No. 48 authorizes the Secretary to the Governor to insert in the short title of an Ordinance the serial number assigned to that Ordinance when it is assented to by the Governor. Special provision is made in the case of Bills reserved for the signification of His Majesty's pleasure.

State Council Elections (Nomination and Ballot Papers) Offences.—No. 52 declares that certain acts relating to nomination papers, ballot papers and ballot boxes are offences and prescribes penalties for such

offences. This is the first instance of the exercise by the State Council of the powers conferred by Art. 4 of the Ceylon (State Council Elections) Order in Council, 1931. Some of the provisions of the Ordinance are derived from the Canadian Dominion Elections Act of 1934.

Heavy Oil Motor Vehicles.—Ordinance No. 56 imposes a special tax on motor vehicles with compression-ignition engines which use crude petroleum, liquid fuel, gas oil and other uncustomed oil as fuel to reimburse the Government to the extent of the amount estimated to be lost to revenue by reason of the fact that such vehicles do not use petrol, on which an import duty of sixty-five cents a gallon is levied.

Colombo Municipal Council.—No. 60 is a comprehensive Ordinance of 107 sections providing a new constitution for the Municipal Council of Colombo.

Cheetus.—Ordinance No. 61 provides for the registration and control of "cheetus." A "cheetu" is an arrangement under which a number of subscribers severally undertake to pay to a person, called the manager, a fixed contribution in cash or in kind, for a series of months or other specified periods equal in number to the number of subscribers, on the condition that each of the subscribers in turn is to be entitled to the benefit of receiving from the manager, with or without a discount, the entirety of the contributions collected for each of those months or periods.

Where no discount is deducted, the turn of each subscriber is determined by lot, the cheetu being known as a lottery cheetu. Where a discount is deducted, the turn of each subscriber is determined by auction. The subscriber who offers the lowest bid for the pool wins the auction, as he is prepared to accept the highest discount or deduction.

Cheetus are very popular in India and Ceylon, and this Ordinance of 46 sections is designed to protect poor and ignorant subscribers from the fraudulent practices of cheetu managers.

1936.

A general election was held in 1936, and the sessions of the new State Council commenced in the month of June of that year. The number of Ordinances enacted was consequently smaller than in the previous year. The Annual Volume for 1936 contains twenty Ordinances, of which the following are the more important:

Whaling.—Ordinance No. 2 consolidates the law relating to whales and whaling in the coastal waters of Ceylon. The Ordinance is modelled on the Whaling Industry Regulation Act of the Imperial Parliament which was passed in 1934 in order to give effect to an International Convention for the Regulation of Whaling, signed at Geneva on September 24, 1931.

Aliens.—Ordinance No. 7 amends s. 10 of the Aliens Registration Ordinance, No. 30 of 1935, by substituting a new definition for the definition of the expression "alien" in that section. The amendment was made on the instructions of the Secretary of State, and the new definition of alien reads as follows: "alien" means any person not being a British subject or a British protected person.

Co-operative Societies.—No. 16 is a comprehensive Ordinance of 55 sections which consolidates and amends the law relating to co-operative societies. S. 19, known in the co-operative movement as the "loyalty" clause, enables a society trading in articles which are the produce of agriculture, animal-husbandry or handicrafts to compel its members either by means of by-laws or by express contract to dispose of the whole

or any part of their output of such articles through or to the society. S. 28 is new and is designed to assist co-operative societies in obtaining credit facilities from banks by enabling a banker-creditor to realize without recourse to court on securities pledged by a society with him for a general balance of account.

Statutory Reprints.—No. 19 makes provision for the publication and authentication of revised reprints of Ordinances and subsidiary legislation. Until the enactment of this Ordinance there was no statutory authority for the issue from time to time of reprints of individual Ordinances incorporating all amendments made therein up to the date of reprinting. The Ordinance, of course, does not authorize the issue of a Revised Edition of the Legislative Enactments (s. 4).

2. HONG KONG.

[*Contributed by the* HON. MR. JOHN A. FRASER, M.C., *Acting Attorney-General.*]

Ordinances passed—59.

Defence.—The Defences (Firing Areas) Ordinance (No. 1) and an amending Ordinance (No. 50) introduce a new and important development in the preparation of the Colony for defence by providing for the clearing, after due notice, of certain sea areas during firing practice from the local defences, but allowing, by certain exemptions, for the passage of vessels or aircraft in the ordinary course of navigation. Five such areas are defined in a schedule to the Ordinance.

The Stonecutters Island Amendment Ordinance (No. 14) gives additional powers to the Naval Authorities to exclude trespassers from that island.

Practice " black-outs " to prepare for and educate the population in concealment of the Colony from night-attack by air may now be arranged by regulations under the Lighting Control Ordinance (No. 55).

Police and Magistrates.—Minor changes of procedure relating to the custody of accused persons and appeals from magistrates were effected by the Police Force Amendment Ordinance (No. 2) and the Magistrates Amendment Ordinance (No. 8). The former extends the duty of inquiry and the powers to release on bail formerly exercised only by officers in charge of police stations to European police officers of rank not below lance-sergeant.

Land.—In all but a very few cases land in this Colony is held on lease from the Crown, and such leases make no provision for the apportionment of Crown rent in the event of subdivision and transfer on assignment of a portion of the original holding by the Crown lessee, who in practice then becomes known as the owner of the remaining portion of the lot. Even after the transfer of the remaining portion it has been the custom of the Crown to look to the owner thereof for the time being for payment of the whole Crown rent due in respect of the lot, leaving him to collect a proportion of it from the owners of the other sections. So long as there are few transfers or subdivisions little hardship is caused by this practice, but it gives rise to great inconvenience in some cases, and the Crown Rents (Apportionment) Ordinance (No. 4) enables the Land Officer in his discretion on the application of the owner of a lot and on payment of a prescribed fee to determine the Crown rent which shall be payable to the Government in respect of that portion. The provisions of the Ordinance

may by an addition to the Schedule be applied to different lots, areas or districts.

The Public Reclamations Validation and Clauses Ordinance (No. 40) validates certain undertakings constructed or commenced on unleased Crown foreshores and enacts certain general provisions to be incorporated in future Ordinances authorizing reclamations and similar works, by this means securing uniformity in and reducing the bulk of legislation for this purpose. The general provisions of the Ordinance include notification of the undertaking, the hearing of objections, the publishing of definite approval and the commencement and execution of the works, the payment of compensation where private rights are affected and the extinction of those rights, the powers of a judge in relation to claims for compensation and the protection of the undertakings authorized or validated.

Currency and Coinage.—The object of the Counterfeit Currency (Convention) Ordinance (No. 20), like that of the Imperial Act of 1935 on which it is based, is to give effect to the International Convention of 1929 for the Suppression of Counterfeit Currency, to apply to foreign coin certain enactments relating to British coin, to assimilate the penalties for importing and exporting counterfeit coin, and to make cognate amendments in the law relating to forgery, coinage and extradition. The provisions in the Imperial Act placing forgery of currency notes on a similar footing to that of bank-notes have not been reproduced in this Ordinance, since in this Colony the local definition of currency notes is already comprehensive enough to avoid the necessity of requiring proof that any particular currency note issued by a regional authority is legal tender in the country in which it is issued. The one-dollar currency notes issued in this Colony under Ordinance No. 42 of 1935 are legal tender for the payment of any amount. By this Ordinance, and the two Coinage Offences Amendment Ordinances (Nos. 6 and 43) which were passed to cope with an increasing number of counterfeiting offences, the scale of punishments for counterfeiting sub-coin current in the Colony is increased.

A further Currency (No. 2) Amendment Ordinance (No. 57) allows for the surrender of silver dollars and subsidiary coin, where such coin is held in amounts exceeding $10, such surrender being required by the Currency Ordinance, 1935, to be made periodically by banks and other institutions which handle large quantities of silver ; it also allows for the suspension of the obligation to surrender sub-coin if such a course should become necessary by reason of a shortage of the new cupra-nickel currency.

Criminal Law.—The law relating to gambling, gaming and betting is amended by the Gambling Amendment Ordinance (No. 5), which adds to the definition of " common gaming-house " in the Gambling Ordinance, 1891, a paragraph relating to betting and receiving deposits on bets and forbids street betting as well as street gaming and gambling. When the Deportation of Aliens Ordinance, 1935, was enacted, certain provisions which were formerly part of the local law, relating to immigrant British subjects who are criminals or otherwise undesirable persons, were omitted from it, and these provisions are re-enacted in the Deportation (British Subjects) Ordinance (No. 16). With regard to corporal punishment the Cane for Birch Substitution Ordinance (No. 33) abolishes the birch and substitutes a light cane or rattan in all cases where the use of the birch has hitherto been authorized in this Colony.

Medicine and Public Health.—The Quarantine and Prevention of Disease Ordinance (No. 7) with an amending Ordinance (No. 54) repeals the Public

Health (Quarantine and Prevention of Disease) Ordinance, 1935, and substitutes provisions conforming more closely to the requirements of the International Sanitary Convention, 1926. The increase in the number of trained and certified midwives and the resulting competition and reduction of fees for their services have made it possible to abolish untrained practitioners, of whom a small number have hitherto been tolerated, by the Midwives Amendment Ordinance (No. 21), the operation of that Ordinance being postponed until January 1, 1937, in order to give ample notice to the women whose livelihood is thus affected. A further amendment was made by the Midwives (No. 2) Amendment Ordinance (No. 49).

The Public Health (Sanitation) Amendment Ordinance (No. 37) extends the control of the Urban Council in matters within its scope formerly confined to the City of Victoria and certain urban districts, to the whole of the Island of Hong Kong.

The Public Health (Food) Ordinance (No. 39) amends the definitions of dairy, dairyman and milkshop. The new definitions are practically identical with those in the Milk and Dairies (Consolidation) Act, 1915. This Ordinance also reduces from 48 to 24 hours the time within which claims may be made for the return of food seized, enables a magistrate to award compensation in lieu of such return, and gives a right of appeal to the Governor in Council against the decision of any person entrusted with power under the principal Ordinance, 1935.

The Nursing and Maternity Homes Registration Ordinance (No. 48) provides for the registration of such institutions on the lines generally of the Imperial Act of 1927. The Cremation Amendment Ordinance (No. 52) extends the number of places in which burning may be allowed.

Tortfeasors.—Certain provisions of the Law Reform (Married Women and Tortfeasors) Act, 1935, are reproduced in this Colony by the Married Women Ordinance (No. 10) and the Tortfeasors Ordinance (No. 11).

Flag Days.—The Summary Offences Amendment Ordinance (No. 13), designed to protect genuine charities, makes it an offence to collect money for charity in a public place or by selling badges without the written permission of the Commissioner of Police.

Buildings.—The Buildings Amendment Ordinance (No. 19) adds to the provisions of the Building Ordinance, 1935, a new provision requiring lifts and hoists to be adequately cared for and periodically tested.

Public Places.—The constantly increasing demand for bathing facilities has necessitated some measure of control, and a power to make regulations for this purpose is contained in the Pleasure Grounds and Bathing Places Ordinance (No. 29), which replaces two former Ordinances for the regulation of public places and a Chinese recreation ground.

Companies.—The Companies Amendment Ordinance (No. 15) prevents the registration of a company by a name containing the word " savings " or " trust " or " trustee " unless the consent of the Governor has been obtained, and restores the former priority in winding-up proceedings of local rates in the case of China companies accorded by the Companies Ordinance, 1911, but altered by the Companies Ordinance, 1932.

Public Officers.—After a fall in the exchange value of the local dollar, it was found necessary to impose a temporary levy on the salaries of Government officers, in order to assist in decreasing an anticipated budget deficit. In the Hong Kong Government Service (Levy on Salaries) Ordinance (No. 17), which imposes a levy from January 1, 1936, to

December 31, 1936, the principle of a fairly graduated scale of "cuts" is adopted in preference to an arrangement providing for a fixed percentage levy on salaries up to a certain limit and a higher percentage on all salaries above that limit. There were four amendments to the Pensions Ordinance, 1932, by the Pensions Amendment Ordinances (Nos. 3, 27, 34 and 53). The first of these removes an apparent conflict in the law relating to gratuities to female officers on marriage, and the second repeals certain words making the grant of a pension conditional on a certificate of good service. The result of this repeal is to make it clear that a pension will ordinarily be withheld only for negligence, irregularity or misconduct. The third amendment allows voluntary retirement on pension of certain officers before June 4, 1938, for purposes of economy, and the last (No. 53) provides for compulsory retirement, with the approval of the Secretary of State, in some cases of officers who have attained the age of fifty. The titles of the Director and Deputy Director of Medical and Sanitary Services was by Ordinance No. 46 changed to Director and Deputy Director of Medical Services, in order to preserve uniformity in the nomenclature of scheduled posts in the Colonial Medical Service.

Telecommunication.—A wider control of the telegraphic and telephonic services of this Colony is secured by the Telecommunication Ordinance (No. 18), which repeals the Telegraphic Messages Ordinances, 1894 and 1924, and the Wireless Telegraphy Ordinance, 1926, and the regulations thereunder. These services are made a Government monopoly, but the concession to the Hong Kong Telephone Company Ltd., whose position is governed by the Telephone Ordinance, 1925 and 1930, is preserved. Part V of the Ordinance deals exclusively with wireless telegraphy and provides *inter alia* for the vesting in the Governor in Council of the exclusive privilege of establishing and using wireless stations and appliances, with the right to license installations and apparatus ashore and afloat, the licensing of dealers in wireless apparatus and the making of regulations for the examination and certification of operators and the control in emergency of wireless apparatus.

Asylums.—The Asylums Ordinance (No. 22) consolidates the law relating to asylums and the detention, custody and care of persons of unsound mind and others in the Mental Hospital, and repeals the Asylums Ordinance, 1906, and two amending Ordinances.

Women and Girls.—As a result of comment in the House of Commons on the penalties inflicted in "mui tsai" cases, the Female Domestic Service Ordinance (No. 23) was passed to provide, by imprisonment, a more adequate deterrent. The Protection of Women and Girls Amendment Ordinance (No. 25) strengthens the power of closing houses of ill-fame, which in the days when such houses were tolerated could only be exercised when they were disorderly, dangerous or a nuisance.

Marriage.—Cases having occurred where ministers of religion have disregarded the requirements of the Marriage Ordinance, 1875, to an extent meriting the imposition of a lesser penalty than imprisonment, the Marriage Amendment Ordinance (No. 24) provides the alternative of a fine in such cases.

Revenue.—The Estate Duty Amendment Ordinance (No. 26) increases the duties payable in the case of persons dying on or after July 1, 1936, and the Stamp Amendment Ordinance (No. 36) imposes a new rate of duty for promissory notes which it is estimated will secure an additional annual revenue of about $20,000.

Merchant Shipping.—The Merchant Shipping Amendment Ordinance (No. 47) was the only Ordinance under this head passed in 1936. It enables the Harbour Master to facilitate the movements of certain authorized junks, notably those engaged in carrying sand, by allowing them with written permission to leave a port or anchorage at night.

Law Revision.—The last edition of the Ordinances of this Colony was published in 1923, and of the Regulations in 1926. The Ordinances and Regulations of Hong Kong (1937 edition) Ordinance (No. 51) provides for a new edition of both Ordinances and Regulations. They are to be published in companion volumes, and each volume will be authorized as soon as it is completed.

Animals.—The Wild Animals Protection Ordinance (No. 56) prohibits the killing or taking of the pangolin and otter, and such other wild animals as may later be specified by additions to the Schedule contained in the Ordinance.

3. STRAITS SETTLEMENTS.

[*Contributed by* A. DE MELLO, ESQ.]

Ordinances passed—41[1]

Advocates and Solicitors.—In imitation of s. 4 *seq.* of the Solicitors Act, 1932 (22 & 23 Geo. V, c. 37), these amending Ordinances, Nos. 3 and 6, alter the procedure for hearing complaints of professional misconduct made against solicitors. Such complaints are, in the first instance, now to be addressed to the Bar Committee, who, if they deem a formal investigation necessary, will apply to the Chief Justice to appoint a Disciplinary Committee (of three members of the Bar) for the purpose. Should, however, the Bar Committee not be of opinion that the complaint discloses facts constituting misconduct, it must state its reasons in writing, thus enabling the complainant, if he so choose, to apply to the Chief Justice direct to appoint a Disciplinary Committee. If after hearing and investigating the complaint, this Committee holds that due cause for disciplinary action exists, it will apply by originating summons *ex parte* to a judge of the High Court for an order against the solicitor to show cause, and then proceed in the manner detailed in s. 26D.

Cattle Preservation.—There having been a considerable number of female buffaloes slaughtered in Malaya, grave fears were entertained that the quantity and quality of buffaloes would in the future be impaired. Hence Ordinance No. 12 forbids the slaughter or export of buffaloes except under permit. Although the immediate problem is the preservation of female buffaloes, the Ordinance has been made designedly wide enough to embrace every kind of cattle, and thus to protect their milk supply and breeding.

Currency Offences.—In conformity with the International Convention of Geneva of April 20, 1929, the Penal Code Amendment Ordinance (No. 13) punishes the counterfeiting and forgery of foreign as well as domestic currency.

[1] The Revised Edition of "The Laws of the Straits Settlements up to December 31, 1935," 5 volumes, which came into force in August 1936, having already been reviewed in Vol. XIX, p. 147 of this *Journal*, it has not been considered necessary to refer to it further in the present Review of the Legislation of 1936. The same observation applies to the Revised Edition of "The Laws of the Federated Malay States up to December 31, 1934," 3 volumes, which also came into operation on February 20, 1936.

Electric Appliances.—In view of electric lamps of inferior make, and electric fittings dangerous to the user, being dumped in large quantities in the Colony, Ordinance No. 21 (1) requires that electric lamp-bulbs shall be of a certain standard, and have stamped upon them particulars indicating to the purchaser the type of goods he is buying; (2) prohibits the sale of lamp-holders and switches which are not adequately insulated.

Revenue and Taxation.—The Colony has, under the impulse of modern financial theories and protective taxation, been gradually drifting away from its former status of a " duty-free " country, and been casting about for sources of revenue to compensate, in some measure, for those that prior to the action of the League of Nations had been derived from the consumption of opium, etc.

As the increasing use of heavy-oil engines in motor vehicles threatened to reduce the revenue derived from the tax on petrol, the Traction Engines and Motor-Cars Amendment Ordinance (No. 4) imposes a special tax on heavy-oil-engined vehicles.

The Corporations Duty Ordinance (c. 149) passed in 1906 is also now so amended as to bring it in accord with the Customs and Inland Revenue Act, 1885 (48 & 49 Vict., c. 51), by imposing the duty on the annual value of property from which no income or profit accrues.

Since 1926 the totalizator or *pari mutuel* and sweepstakes of racing clubs had been subject to taxation. The Stamp Ordinance Amendment (No. 39) now extends the tax to sweepstakes organized by any other club, association or society whatsoever.

Savings Bank (No. 35).—Hitherto the law as to the Government Savings Bank was contained in the Post Office Ordinance (c. 17). It was considered desirable to treat the law as to the Savings Bank separately from the law governing the rest of the Post Office activities, as had already been done in the Federated Malay States.[1] The present measure follows closely a model Ordinance prepared by H.M.'s Secretary of State, and, to secure uniformity throughout the Malayan Postal Union, a parallel Enactment has been passed in the Federated Malay States.

4. FEDERATED MALAY STATES.[2]

[*Contributed by* A. DE MELLO, ESQ.]

Enactments passed—53.

Assignments of Choses in Action.—Enactment No. 18 now brings the law of the Federation into line with that of the adjacent Colony of the Straits Settlements and of Great Britain by requiring, for the perfection of the title of an assignee of a chose in action, notice in writing thereof to be given to the debtor, trustee, etc.

Bankruptcy.—No. 14 provides, in the same manner as Ordinance No. 32 of 1935 of the Straits Settlements,[3] a simplified procedure by which a " wage-earner's administration order," instead of an adjudication order in bankruptcy, may be made in the case of employees whose monthly salary does not exceed $350, provided the debts have not been incurred in trading.

Customs.—No. 5 re-enacts, with numerous alterations and amendments, the Customs Enactment of 1923. " Value " is so defined as to

[1] See *infra*, p. 158. [2] See footnote *supra*, on p. 156.
[3] See *Journ. Comp. Leg.*, Third Series, vol. xix, pt. iii, p. 146.

differentiate between goods imported by post and those imported by other means, and, in each case, a simple working rule is prescribed. Certain persons (*e.g.* foreign Consuls) are exempted from payment of customs duties (s. 18), while duty at reduced or preferential rates on goods already removed from the Post Office may be paid, provided written notice of such claim is given at or before the time of removal (s. 21). Ss. 49 and 50 provide further safeguards against smuggling, and s. 114 enacts a presumption that uncustomed goods are so uncustomed to the knowledge of the defendant, unless he prove the contrary.

Criminal Law.—The Penal Code Amendment Enactment, No. 41, like the analogous Ordinance of the Straits Settlements, reviewed above,[1] gives effect to the Geneva International Convention of April 20, 1929, punishing in an equal degree counterfeiting of foreign or domestic currency.

Savings Bank.—No. 43 consolidates and amends the law on the subject. S. 9 requires, for any alteration in the rate of interest payable to depositors, the previous approval of the Secretary of State for the Colonies, and prior notification in the Federated Malay States *Government Gazette* of at least three months. S. 13 makes special provision when the savings bank revenue is insufficient in any year to defray the interest due to depositors. S. 16 exempts savings bank deposits from attachments, but enables the Director-General to retain in the account a sum sufficient to satisfy any judgment of court.

Theatres and Places of Public Amusement.—Enactment No. 47 is intended to embrace the control of all public amusements and theatrical performances, including cinematograph exhibitions : and " public amusement " is therefore defined as an entertainment in which the members of the public take part, while a " theatrical performance " is one in which the public do not take part. Horse-racing, athletic sports or games are to be exempted from the purview of the Enactment.

5. MAURITIUS.

[*Contributed by* C. A. Hooper, Esq., *Procureur and Advocate-General.*]

Forty-five Ordinances were passed by the Council of Government and assented to by the Governor between April 3 and December 3, 1936. The majority of these Ordinances deal with matters of domestic importance, amongst which the following are of considerable importance :

Public Health.—Ordinance No. 11 provides for an extension of the sewerage area of the town of Port Louis with consequential improvement in the health conditions likely to be derived therefrom.

Law and Order.—Ordinances Nos. 14 and 15 provide for better and more adequate measures for the deportation of undesirable persons.

Ordinance No. 29 amends the Penal Code Ordinance, No. 6 of 1838, with reference to the counterfeiting of coins, seals and similar offences.

Ordinance No. 41 provides for the prevention of riots and the better preservation of the public peace.

Finance.—Ordinances Nos. 1 and 7 provide for the establishment and financing of a local Agricultural Bank.

Ordinance No. 13 provides for the better control of the Government Savings Bank.

Ordinance No. 31 provides for the control of the transport of sugar and fertilizers.

[1] *Supra*, p. 156.

Ordinance No. 35 provides for the transfer of the balance of the Mauritius General Improvement and Development Fund to the general revenue and assets of the Colony.

Judicature.—Ordinances Nos. 9 and 10 amend the District Court Constitution Ordinance with reference to the jurisdiction of the district magistrates.

Civil Service.—Ordinance No. 43 provides for a total recast of the law governing the grant of pensions, gratuities and allowances to Civil Servants in the Colony.

All these Ordinances have in view the social and economic progress of the population of this Colony and attempt to work to that end.

6. SEYCHELLES.

[*Contributed by* M. C. Nageon de Lestang, Esq., LL.B.(Lond.), *Legal Adviser and Crown Prosecutor*].

Twenty-six Ordinances were enacted during the year 1936, the most important of which relate to the following subjects:

Currency Notes.—Ordinance No. 2 makes provision with respect to the currency notes of the Colony. It links the local currency direct with sterling without, however, changing its nomenclature. The main advantages of the measure are the more profitable use which it is possible to make under it of the funds held against currency notes and the firmer attachment of the currency to sterling. Previously the cash portion of the Currency Notes Reserve Fund was lying idle in the Treasury vault. The Ordinance provides for the investment of the note cover in securities on which interest will accrue.

Suppression of Counterfeiting Currency.—Ordinance No. 6 amends the Penal Code for the purpose of giving effect to an International Convention for the Suppression of Counterfeiting Currency signed on behalf of His Majesty at Geneva on April 20, 1929.

Importation of Animals.—Ordinance No. 9 extends the restrictions imposed on the importation of animals of the feline and canine species to all species of animals.

Employment of Women.—Ordinance No. 18 gives effect to the International Convention concerning the employment of women on underground work in mines of all kinds, signed at Geneva on July 18, 1935.

Designs.—Ordinance No. 19 accords to proprietors of designs registered in the United Kingdom the same rights and privileges in the Colony as they enjoy in the United Kingdom.

Savings Bank.—Ordinance No. 22 amends and consolidates the law relating to the local savings bank and brings it into line with the recommendations contained in the Report of a Committee appointed by the Secretary of State to examine and report on the savings bank system in the Colonies.

7. STATE OF NORTH BORNEO.

[*Contributed by* J. S. Abernethy, Esq., *Legal Adviser*.]

Seven Ordinances were enacted during 1936.

Labour.—Ordinance No. 1 repeals the former Labour Ordinance, No. 2 of 1929, and the Abolition of Indentured Labour Ordinance, No. 7 of 1932, and consolidates and amends the law relating to manual labour.

Rubber Dealers.—Ordinance No. 2 repeals the Rubber Dealers Ordinance, No. 29 of 1914, the operation of which was suspended by the Rubber Restriction Ordinance, No. 1 of 1934.

Bills of Sale.—Ordinance No. 3 repeals the Bills of Sale Ordinance, No. 11 of 1891, and provides all that is considered necessary to regulate bills of sale in the State.

Probates (Re-sealing).—Ordinance No. 4 makes provision for the recognition in the State of probates and letters of administration granted by any British court of probate.

Coroners.—Ordinance No. 5 repeals the Coroners Ordinance, No. 3 of 1908, as it is considered that ss. 174 to 176 of the Indian Criminal Procedure Code contain ample provision for inquiries into cases of unnatural or sudden death.

Wild Animals and Birds Preservation.—Ordinance No. 6 incorporates the provisions of the Wild Animals Preservation Ordinance, No. 3 of 1933, besides making provision for the protection of wild birds and repealing the Wild Animals Preservation Ordinance, 1933, and the Orchid Protection Ordinance, No. 6 of 1932.

Forests.—Ordinance No. 7 re-enacts with amendments the Timber and Jungle Produce Ordinance, No. 11 of 1916, which it repeals, and consolidates the existing laws relating to forests and forest produce.

8. SARAWAK.

[*Contributed by* T. Stirling Boyd, Esq., *Chief Justice.*]

Twenty Orders were enacted during the year, the most important of which are shortly described below. The others for the most part made amendments to the existing law on minor matters of detail.

Committee of Administration.—This Order repealed and re-enacted with amendments the Order of 1927. A short description of the Order is given in the *Journal.*[1]

Copyright.—A comprehensive Order on this subject was enacted, replacing the former short Order. It is substantially the same as the Copyright Act, 1911.

Dangerous Machinery.—Power is given to the Director of Public Works to enter premises in which machinery is used and examine its condition and to require the owner or user to carry out such directions as may be necessary to make the machinery safe. It is also provided that whenever an accident caused by machinery results in loss of life or grievous hurt to any person the person using such machinery shall forthwith report the matter to the proper authority, who may if he thinks fit order an inquiry to be held by a magistrate.

Designs.—This Order provides for the protection in Sarawak of designs registered in the United Kingdom under the Patent and Designs Acts, 1907 to 1932, as if the certificate of registration had been issued with an extension to Sarawak.

Lunacy.—This Order gives power to the courts to deal with persons of unsound mind and to administer their estates.

[1] Third Series, vol. xix, pt. iii, p. 152.

IX. WEST AFRICA.

1. GAMBIA.

[*Contributed by* A. G. B. Manson, Esq., *Legal Adviser.*]

Ordinances passed—24.

The Ordinances which call for special comment are:

Plants.—The Plant Importation and Regulation Ordinance (No. 2) makes provision with regard to the importation of plants with a view to the prevention of the introduction and spread of pests and diseases affecting vegetation and for purposes connected therewith.

Foreign Judgments.—The Foreign Judgments (Reciprocal Enforcement) Ordinance (No. 6) makes provision for the enforcement in the Gambia of judgments given in foreign countries which accord reciprocal treatment to judgments given in the Gambia, for facilitating the enforcement in foreign countries of judgments given in the Gambia and for other purposes in connexion with the matters aforesaid.

Savings Bank.—Ordinance No. 14 establishes a Government Savings Bank, repeals and re-enacts the earlier Ordinance with some changes and was passed in order to achieve uniformity in Colonial Savings Bank Legislation.

Cinematograph Films.—Ordinance No. 17 exempts educational films from import duty and gives effect to the International Convention of 1933 for Facilitating the International Circulation of Films of an Educational Character.

Designs.—The United Kingdom Designs (Protection) Ordinance (No. 18) provides for the protection of designs registered in the United Kingdom by enacting that the registered proprietor of any design registered in the United Kingdom under the Patents and Designs Acts, 1907 to 1932, or any Act amending or substituted for those Acts, shall enjoy in the Colony the like privileges and rights as though the certificate of registration in the United Kingdom had been issued with an extension to the Colony.

Defence.—Ordinance No. 21 provides for the service, training and discipline of officers and men of the recently formed Naval Volunteer Force.

2. GOLD COAST.

[*Contributed by* T. Algernon Brown, Esq., *Acting Solicitor-General.*]

In the year 1936, forty-six Ordinances were passed. Of these twenty-eight repealed or amended existing Ordinances. Of the remaining eighteen the most important are described below. Except where they are stated to apply to a particular territory only, these Ordinances apply to the whole of the Gold Coast (*i.e.* to the Colony, Ashanti and the Northern Territories).

Naval Volunteers.—Ordinance No. 8 empowers the Governor to raise and maintain a force of Volunteers for the Naval Defence of the Gold Coast within its territorial waters. The period of service is for three years. The government, organization, administration and training of the Force, together with the qualifications for entry and conditions of service, are all matters which are prescribed by Regulations made under the Ordinance.

Post Office.—Ordinance No. 11 repeals the Post Office Ordinance which was enacted in 1888 and brings the law regarding the carriage of

mails into line with modern requirements, including air mail requirements. Broadly speaking, the Governor in Council is empowered to make Rules regarding postal rates and charges, and the Postmaster-General is empowered to make Regulations regarding postal matters other than rates and charges. A feature of the Ordinance is the publication of a Post Office Handbook in which the various rules and regulations are set out.

Savings Bank.—Ordinance No. 22 repeals the Savings Bank Ordinance which was enacted in 1887. S. 8 states in express terms that the Government of the Gold Coast guarantees the repayment of all moneys deposited together with interest thereon, and that if at any time the assets of the savings bank are insufficient to meet claims, the Governor will cause the deficiency to be met out of the general revenues of the Gold Coast. S. 11 provides that the moneys in the savings bank shall not be applied for the purposes of the Gold Coast but shall be kept distinct, and that not more than one-third of these moneys shall be invested in securities of the Government of the Gold Coast at any one time. The moneys are invested under the direction of the Treasurer in such securities as the Governor in Council may approve, or, in the case of moneys remitted to London, are invested by the Secretary of State. All expenses incurred in the management of the savings bank shall be met from the funds of the savings bank; and there shall be an annual submission of accounts to the Legislative Council after audit by the Government Auditor. This (by s. 12) has to be done not later than March 31, thus making the accounting year coincide with the Colony's financial year.

Minerals.—Ordinance No. 20 (which applies only to the Northern Territories) repeals the Mineral Rights Ordinance. It vests in the Governor the property in and the control over all minerals in the Northern Territories, other than coal and mineral oil. It prohibits underground mining except under licence. Prospecting for minerals is only lawful under a prospecting right or an exclusive prospecting licence. A prospecting right allows a person to enter upon land, to put up machinery for prospecting and to sink shafts. An exclusive prospecting licence may not be granted in respect of any area exceeding five square miles. It confers all the rights of the holder of a prospecting right. And it further empowers the holder to employ any number of persons in prospecting over the area covered by the licence, and gives him the sole right of prospecting over that area.

Before a prospector can commence mining operations a mining lease is required. This may only be granted to the holder of a prospecting right or an exclusive prospecting licence and may be granted for any term which is not more than 99 years or less than 5 years.

All fees, rents and royalties imposed by the Ordinance form part of the public revenue, but provision is made for the payment of such moneys as are derived from the licences and leases over land which is subject to the Lands and Native Rights Ordinance to be paid to the Native Authorities which own the land in question, and one-sixth of those moneys has to be paid to the Benefits Trust Fund established by the Benefits Trust Fund Ordinance.

Revised Edition of the Laws.—Ordinance No. 24 provides for the appointment of a Commissioner for the purpose of preparing a Revised Edition of the Laws enacted on or before April 1, 1936. This date was subsequently extended to September 1, 1936. The new edition came into force on January 1, 1938.

Benefits Trust Fund.—Ordinance No. 26 (which applies only to the Northern Territories) establishes a fund called the Benefits Trust Fund into which is payable a portion of the fees, rents and royalties imposed under the Mineral Ordinance, 1936, a portion of the rents imposed under the Lands and Native Rights Ordinance, 1931, and one-third of the net proceeds derived from the ferries in the Northern Territories. The fund is to be administered by the Governor in Council and is to be employed for various purposes exclusively in the Northern Territories. Any money standing to the credit of the fund may be invested by the Governor in Council, and this power of investment may be delegated to the Crown Agents.

Carriage of Goods by Road.—Ordinance No. 38 protects the railway from the loss of revenue which might result from a new programme of road construction. Great facilities for road traffic will come into being when this programme is completed, and it was anticipated that the roads might deprive the railway of a considerable amount of freight. A schedule to the Ordinance contains a description of the classes of goods which are prohibited from being carried on certain roads. Broadly speaking, this prohibition applies to the carriage of cocoa in the direction of the coast and to the carriage of imported goods from the coast to the interior.

3. NIGERIA.

[*Contributed by* G. J. Horsfall, Esq., *Crown Counsel.*]

Ordinances passed—43.

The following is a summary of the more important enactments of general interest during the year 1936.

Criminal Code.—Ordinance No. 3 makes the law of Nigeria relating to coins and paper money conform to the rules of the International Convention. Ss. 2 to 9 provide that the prohibitions regarding counterfeit West African coins shall apply to current foreign coins, while ss. 10 and 11 make similar provision in the case of paper money.

Savings Banks.—Ordinance No. 4 repeals the Post Office Savings Bank Ordinance (c. 43 of the Laws of Nigeria) and re-enacts the main provisions of that Ordinance. Certain additions and alterations were made which were based upon the report of the Committee appointed by the Secretary of State to examine the various savings bank systems operating in the Colonies.

Probate.—Ordinance No. 5 introduces more simple methods of re-sealing probate and letters of administration, granted by a court of probate in any part of His Majesty's dominions, or by a British court in a foreign country, than was previously provided by the British and Colonial Probates Ordinance (c. 12 of the Laws of Nigeria). The latter Ordinance is repealed.

Regulation of Building Lines.—Ordinance No. 11 provides for an obstruction-free zone on either side of roads to which the Ordinance is applied by Order in Council.

Escort (Requisition of Supplies).—Ordinance No. 12 authorizes an Administrative Officer in charge of an escort to seize food required by the members of the escort in cases where the inhabitants refuse to supply it. Provision is also made for the payment of any food obtained in this manner.

Criminal Procedure.—Ordinance No. 13 provides that sentences of corporal punishment shall be carried out as soon after the sentence as is practicable except when the convicted person gives notice of his intention to appeal against the conviction. In that case the sentence is to be carried out as soon as is practicable after the conviction and sentence have been confirmed by the Appeal Court.

Native Courts.—Ordinance No. 16 amends the Native Courts Ordinance, 1933, in the following respects:

(*a*) S. 2 authorizes the service of Native Court writs in the Colony; (*b*) S. 3 provides that in any case concerning land, where the land is within the jurisdiction of two or more Native Courts, the Chief Commissioner, or the Resident of the Province concerned, may direct that one of the courts shall hear the case; (*c*) S. 4 provides that Native Courts shall have jurisdiction to enforce the provisions of all rules, orders or by-laws made by a Native Authority; (*d*) S. 5 makes similar provision in the case of corporal punishment as that provided by the Criminal Procedure (Amendment) Ordinance, 1936 (No. 13 of 1936); (*e*) Ss. 8 and 10 provide that the power of review is exercisable at the discretion of Administrative Officers and that, if the review is made at the request of a party, it shall prevent any subsequent appeal; and (*f*) S. 12 increases the power of the Governor to make rules.

Tin.—Ordinance No. 18 amends the Tin (Production and Export Restriction) Ordinance, 1931, by making its provisions apply to low-grade ore as well as to concentrates. It also makes provision for the control of production of other metals or substances which contain tin.

Prevention of Crimes.—Ordinance No. 33 makes it lawful for the fingerprints of persons reasonably suspected of having committed certain offences to be taken.

Sheriffs.—Ordinance No. 34 confers the same protection on the sheriff and other officers in Nigeria as that conferred on certain persons in England by s. 15 of the Bankruptcy and Deeds of Arrangement Act, 1913.

United Kingdom Designs.—Ordinance No. 36 provides that designs registered in the United Kingdom shall be protected in Nigeria without being registered in Nigeria. It also provides that anyone in Nigeria who registers a design in the United Kingdom will secure protection for his design in the United Kingdom, Nigeria and all other parts of the British Empire which enact similar legislation.

Poisons and Pharmacy.—Ordinance No. 42 provides for the licensing of dispensers, chemists and druggists. It regulates the sale and distribution of drugs and poisons. It also repeals all previous Ordinances relating to drugs and poisons and re-enacts in a slightly amended form the provisions of those Ordinances which are still required.

4. SIERRA LEONE.

[*Contributed by* I. J. TURBETT, ESQ., *Attorney-General.*]

In 1936, twenty-eight Ordinances were placed on the Statute Book. Of these, twenty either amended or repealed existing measures, two dealt with supply and the remaining six dealt with matters not hitherto the subject of legislation. Of the new measures, the following are worthy of mention:

Juvenile Offenders.—Ordinance No. 8 provides for the first time special measures for the trial and punishment of juvenile offenders in the

Colony. The provisions of the law require the separate sittings of summary courts as juvenile courts for the general trial of children under 12 years of age, and, with their consent, of young persons under 16 years of age. The admission of the general public to such courts is severely restricted as well as the publication of reports of cases in the public press. Restrictions are also placed on the punishment of children and young persons, and no child can be sentenced to a term of imprisonment. Generally speaking, the measure introduced all the principal provisions of the English law on the subject as were thought applicable to the needs of the Colony and which were capable of satisfactory administration at the present time.

Diamond Industry Protection.—Ordinance No. 9 was enacted to give protection to the diamond industry. The mining of these highly precious stones attracts to the neighbourhood of the mines persons seeking to take advantage of the employees of the mining company in order to receive stones unlawfully obtained. Such traffic is not easy to detect, and this measure was designed to strengthen the hands of the local administration in dealing with this situation in the immediate vicinity of the mines.

Counterfeit Currency.—Ordinance No. 16 was designed to give effect to an International Convention signed at Geneva in 1929 for the suppression of counterfeiting currency, by applying certain Statutes in force in England relating to these matters. The measure also amends the law relating to counterfeiting of coins and to forgery. The Imperial Counterfeit Medal Act of 1883 has also been applied in order to give complete fulfilment to the Convention in this Colony and because it seemed that protection from the circulation of medals which might be mistaken for coins was at least as necessary among a largely illiterate people as in England.

A further important provision has been inserted dealing with inquiries which are made from time to time through the medium of the post by persons who are desirous of obtaining coining tools or counterfeit coin and currency. Such inquiries are definitely not in the public interest, and it is hoped this provision will put an end to such a practice.

African Labourers (Employment at Sea).—Ordinance No. 23 is designed to regulate the engagement of and payment of wages to African labourers employed or engaged locally for service on ocean-going vessels while such ships are operating on the West Coast of Africa. This class of labourer had not been provided for under the Employers and Employed Ordinance, 1934. For some years prior to the enactment of this measure, Government had under consideration the methods adopted in the engagement of Kroos and other tribesmen who desire employment as labourers on ships. It appeared that the headmen who contracted to furnish gangs of labourers to the shipping companies demanded a contribution from each applicant for employment, and consequently no African labourer could expect or hope to obtain employment unless he offered a substantial consideration out of his future earnings. These headmen did not come within the purview of the Prevention of Corruption Ordinance, 1924. This form of extortion must have undoubtedly caused considerable hardship in the past, and it is thought that this measure which has been designed to suppress such " pecuniary inducements " will have the desired effect. Under the new measure, persons seeking employment are also prohibited from offering any reward for obtaining such employment. It also directs that all wages must be paid personally to a labourer without any deduc-

tions except such as are authorized by the terms of his contract or by law, and the wages of a labourer must be paid in money and not in kind. The measure further prohibits any traffic in the sale of " tickets " or " tokens " which are issued to persons who are accepted for employment on board any ocean-going vessels.

Notaries Public.—Ordinance No. 27 provides for the appointment of legal practitioners of a certain standing in the profession to be notaries public within the Colony and Protectorate and is based on similar legislation in force in West Africa. Previously the Master of the Faculties in England, under the authority of the Archbishop of Canterbury, would appear to be the only person really empowered in law to appoint notaries public to exercise their functions in Sierra Leone. It is doubtful whether the barristers or solicitors of the Supreme Court who performed notarial duties by virtue of their position under the Supreme Court Ordinance were qualified to do so. The measure generally regulates the practice of the profession of a notary public in accordance with the law in England and elsewhere. It is considered that the control and regulation of all notarial functions will prove to be of benefit to the general public, and particularly to those engaged in commerce. A provision has also been included in the measure to validate all past notarial acts.

Public Officers' Protection.—Ordinance No. 28 has been enacted in order to substitute a uniform, improved and simpler mode of procedure for the provisions which appear in some Enactments as to the privileges of persons sued in respect of acts done by them in real or supposed conformity with the laws of the Colony. The measure will generally secure all persons and bodies administering statutory or other public duties from stale or speculative actions and afford them adequate opportunity of tendering amends before action and thus avoiding costs. An Act of this nature which generalized and amended a multitude of statutory provisions for the protection of officials and others in the laws of the United Kingdom has now been in force for many years, and similar legislative measures have been placed on the Statute Books of every Dominion and almost all Crown Colonies. The measure follows closely on the lines of all existing legislation of this nature and contains no unusual features.

As regards amending and repealing measures, the following may be noted :

Post Office Savings Bank.—Ordinance No. 16 repeals and replaces the Post Office Savings Bank Ordinance, 1924, and gives effect to the recommendations of a Committee which had been appointed to examine the savings bank systems in the various Crown Colonies and formulate a scheme for uniform legislation on the subject. The chief recommendations which have been adopted may be summarized (*inter alia*) as follows : the measure contains a clear statement of ultimate Government liability ; it provides that savings bank accounts shall be kept distinct from the accounts of any other Government and that expenses incurred on savings bank business shall be charged against savings bank funds. Again, the non-liability of Government in respect of acts done in accordance with the Ordinance has been expressly declared. The rule making power has been considerably extended, and many provisions of the repealed enactment which were omitted from the new measure have been more suitably included in the new Savings Bank Rules.

United Kingdom Designs (Protection).—Ordinance No. 17 replaces the Registration of United Kingdom Designs Ordinance, 1928, and simplifies

and cheapens the procedure with regard to the local protection of designs by according to proprietors of designs registered in the United Kingdom under the Patents and Designs Acts, 1907 to 1932, the same rights and privileges in this country as they enjoy in the United Kingdom. It is considered that the automatic protection afforded by this measure will more adequately safeguard designs against infringement by unscrupulous persons who copy designs.

Sixty-six subordinate legislative measures were also passed during the year.

X. EAST AFRICA.

1. KENYA.

[*Contributed by* T. D. Wallace, Esq., *Acting Solicitor-General.*]

Ordinances passed—51.

The following is a summary of the more important enactments of general interest during the year 1936.

Dangerous Drugs.—Ordinance No. 7 brings the Dangerous Drugs Ordinance, 1932, into line with international legislation regarding the importation and exportation of Indian hemp, resin obtained from the plant *cannabis sativa* or any products of which *cannabis sativa* forms the base.

British and Colonial Probates.—Ordinance No. 8 amends the British and Colonial Probates Ordinance so as to provide for the recognition and resealing in Kenya, without any condition as to reciprocity, of probates and letters of administration obtained in any other part of the Empire.

Control of Fugitive Belligerents.—Ordinance No. 11 establishes an internment camp for the fugitives of belligerent forces entering Kenya from across the frontier.

Ferries.—Ordinance No. 15 empowers the Director of Public Works to enter into an agreement with any person for the operation of a ferry-boat service, and to prohibit any person, without the consent of the Director, operating on a ferry-boat service within such area or areas as may be prescribed by the Director.

Farmers' Assistance.—Ordinance No. 18 makes provision for a system of short-term agricultural relief in the Colony and follows, to a limited extent, the procedure adopted in New Zealand.

Foreign Judgments (Reciprocal Enforcement).—Ordinance No. 19 provides for the enforcement in the Colony of judgments given in foreign countries which accord reciprocal treatment to judgments given in the Colony, and for facilitating the enforcement in foreign countries of judgments given in the Colony.

Alteration of Time.—Ordinance No. 23 introduces, with effect from January 1, 1937, a standard time of two and three-quarter hours fast on Greenwich mean time. The same standard time has been adopted in Uganda, Tanganyika Territory and Zanzibar.

Savings Bank.—Ordinance No. 29 replaces the existing legislation on the subject with a Bill drafted by a Committee appointed by the Secretary of State to examine the system of savings banks established in the Colonies.

Evidence.—Ordinance No. 30 amends the law of evidence consequent upon the decision of the House of Lords in the case of *Woolmington* v. *Director of Public Prosecutions*.

Penal Code.—No. 31 (*a*) repeals the section of the Penal Code which established the presumption that killing is murder; and (*b*) brings the law of the Colony into line with that of the United Kingdom and into conformity with the rules contained in an International Convention for the Suppression of Counterfeit Currency signed at Geneva in 1929.

United Kingdom Designs (Protection).—Ordinance No. 32 is based on a model submitted by the Secretary of State and replaces the existing system of registration of designs under which registration in the Colony was dependent upon registration in England.

Fugitive Offenders (Pursuit).—Ordinance No. 33 enables the police of adjoining British territories in hot pursuit of an offender to cross the frontier and arrest the offender within certain areas to be defined by the Governor in Council. It is anticipated that the power given by this Ordinance will be particularly useful in regard to cattle thefts near the Kenya–Tanganyika border.

Employment of Women, Young Persons and Children.—Ordinance No. 35 gives effect to the provisions of a draft Convention concerning the employment of women on underground work in mines of all kinds, which was adopted by the International Labour Conference in June 1935.

Moneylenders.—Ordinance No. 37 excludes from the operation of the Money Lenders Ordinance, 1932, all chattels transfers in which the interest provided for is not in excess of 9 per cent. per annum, and mortgages and charges upon immoveable property, irrespective of whether or not the transactions referred to are effected with a moneylender or not. It further provides that a moneylender and a company must take out a licence in respect of every address at which he or it carries on business and that not more than one partner in a firm of moneylenders consisting of two or more partners need pay a licence fee in respect of that firm.

Trading in Unwrought Precious Metals.—Ordinance No. 39 legalizes the importation of bullion of a fineness exceeding that which is produced by gold mines in the Colony, in order to meet the demand among certain classes of the Indian community for refined gold to be wrought into ornaments—a form both of saving and adornment with, in some cases, religious significance.

Native Hut and Poll Tax.—Ordinance No. 46 (*a*) gives effect to the recommendation contained in the Report of the Special Commissioner, Sir Alan Pim, that natives under the age of eighteen years should not be required to pay poll tax; (*b*) makes it clear that, if a native has more wives than huts, he must pay a tax in respect of each wife, and if he has more huts than wives, he must pay a tax in respect of each hut; and (*c*) gives to the court power to remit the whole or any portion of the tax due if the defaulter proves that he is without sufficient means to pay.

Non-Native Poll Tax.—Ordinance No. 50 provides for the payment of an annual poll tax by non-natives, and makes provision for the collection of such tax.

Traders' Licensing.—Ordinance No. 51 reduces the fees for trading licences to figures more in keeping with those in force before the enactment of the Licensing Ordinance, 1933.

2. NYASALAND.

[*Contributed by the* Hon. J. R. Gregg, *Acting Attorney-General.*]

Savings Bank.—Ordinance No. 2 gives effect to the recommendations of a committee appointed by the Secretary of State for the Colonies for the purpose of examining the working of Savings Bank legislation in the dependencies and is promulgated with a view to uniformity of system throughout those dependencies.

Medical Practitioners and Dentists.—Ordinance No. 3 makes provision for the registration and certification of native midwives.

Motor Traffic.—Ordinance No. 4 gives effect to certain minor amendments to the Motor Traffic Ordinance, 1934, which experience has shown to be desirable. The policy of co-ordination of road and rail traffic is in no way affected by the amendments.

Cotton.—Ordinance No. 9 is designed mainly to facilitate the work of the Department of Agriculture. Government Notice No. 19 of 1936 sets out the fees to be charged for cotton-buying licences, and the Cotton Rules, 1936 (Government Notice No. 20 of 1936) sets forth the conditions under which raw cotton may be purchased by licensed buyers.

Flue-cured Tobacco Marketing.—Ordinance No. 10 was introduced at the request of the Nyasaland Tobacco Association and has for its object the control of marketing of all flue-cured tobacco. Provision is made for the formation of a Tobacco Control Board with power to establish and control a tobacco pool.

Employment of Women.—Ordinance No. 16 prohibits the employment of women underground in mines.

Penal Code.—Ordinance No. 18 repeals the Seditious Publications (Prohibition) Ordinance (c. 25 of the Laws) and incorporates the provisions of that Ordinance in the Penal Code. Owing to the decision of the House of Lords in *Woolmington* v. *Director of Public Prosecutions* it became necessary to repeal s. 172 of the Code.

United Kingdom Designs (Protection).—Ordinance No. 20 repeals the Registration of Designs Ordinance (c. 94 of the Laws) which provides for local registration, on payment of fees, of designs registered in the United Kingdom. This Ordinance affords to the proprietors of designs registered in the United Kingdom the same rights and privileges in the Protectorate as they enjoy in the United Kingdom, without local registration.

Tea Cess.—Ordinance No. 21 increases from sixpence to one shilling the maximum amount of cess that may be levied under the principal Ordinance. It was introduced at the request of the Nyasaland Tea Association. Government Notice No. 87 of 1936 provides for a levy of tenpence per 100 lb. of tea exported.

King's African Rifles.—Ordinance No. 25 of 1936 is introduced to ensure uniformity in the establishment and government of the King's African Rifles throughout the territories where the force is serving.

Native Hut and Poll Tax.—Ordinance No. 26 empowers the Governor to pay to the Government of any adjacent territory the tax collected within the Protectorate from natives of that territory, if a similar arrangement in respect of Protectorate natives is in force in that territory.

Credit Trade with Natives.—Ordinance No. 27 gives effect to a recommendation of the Nyasaland Chamber of Commerce for the increase of

the amount of credit which may legally be given by non-natives to natives from £1 to £10.

Game.—Ordinance No. 28 makes provision for the appointment of a Trout Fishing Board and vests the control of fishing for and acclimatization of trout in such Board.

Nyasaland Protectorate (Native Trust Land) Order in Council.—Government Notice No. 25 of 1936 provides that there shall be no further alienations of land in fee simple. All land not already alienated is native trust land, and this land is vested in the Secretary of State and is administered by the Governor for the direct or indirect benefit of the natives of the Protectorate. Native trust land may be the subject of rights of occupancy, but the native authority of the area is first consulted, and the proceeds of such a right is paid into the treasury of the Native Authority or into a central fund for the purpose of making grants to such treasuries. Certain articles of the Order in Council relate to minerals, and make provision for the disposal of royalties received from minerals won on native trust land.

Air Navigation (Colonies, Protectorates and Mandated Territories) Order.—Government Notice No. 43 of 1936 consolidates the various Air Navigation Orders which have been applied to the Protectorate from time to time.

Customs.—Government Notices Nos. 24 and 81 of 1936 amend Schedule I to the Ordinance (c. 47), and Government Notice No. 71 of 1936 prohibits the export of arms, aeroplanes and war materials to Spain.

Legal Practitioners.—Government Notice No. 39 of 1936 enables the judge of the High Court to admit any person to plead before the High Court and before subordinate courts on behalf of a native defendant in any particular criminal cause or matter.

3. TANGANYIKA TERRITORY.

[*Contributed by* G. W. McL. Henderson, Esq., *Acting Attorney-General.*]

Ordinances passed—30.

During the year 1936 thirty Ordinances were enacted. Of these eighteen were amending Ordinances and five were Ordinances in replacement of existing legislation. The following are the more important enactments.

Markets.—This amendment (No. 2) provides for the authentication and proof of the text of by-laws made by Native Authorities and for the grant of the right to collect market fees, rents and other charges. The requirement of publishing these by-laws in the *Gazette* has been rendered unnecessary by the Interpretation and General Clauses (Amendment) Ordinance, 1936 (No. 1).

Probates (Resealing).—No. 4 repeals the British and Colonial Probates Ordinance (c. 17) and re-enacts that Ordinance with the omission of the provision making that Ordinance applicable only to territories which accord reciprocal treatment to this Territory.

Penal Code and Criminal Procedure Code.—These amendments (Nos. 10 and 11) are based on the recommendations contained in the Report of the Conference of Law Officers, March 1933. They also contain provisions which are the result of recommendations contained in the Report of the Commission of Inquiry into the Administration of Justice in Kenya,

Uganda and the Tanganyika Territory in Criminal Matters, May 1933, and approved by the Secretary of State for the Colonies. They also include a number of minor amendments which experience has proved to be necessary.

Town Development (Control).—No. 15 enables development in townships and minor settlements to be controlled: this object is secured by providing—(*a*) that approval must be obtained for the subdivision of building plots; (*b*) that private streets which give access to public streets cannot be made without prior approval; and (*c*) that the use of land and buildings thereon may be regulated.

Fugitive Offenders (Pursuit).—No. 17 enables the police of adjoining territories in hot pursuit of an offender to cross the frontier and arrest the offender within certain areas to be defined by the Governor in Council. The Ordinance is to be brought into operation only as regards adjoining territories which make reciprocal arrangements.

Customs and Excise Duties (Provisional Collection).—No. 20 makes provision for the protection of public revenue by diminishing the possibility of intelligent anticipation of alterations in the customs tariffs or excise duties while yet retaining full opportunity for discussion and criticism of the measures in which the alterations are proposed. The principle involved in this Ordinance is the same as that on which the Provisional Collection of Taxes Act, 1913 (Imperial), is based.

United Kingdom Designs (Protection).—No. 25 provides that any manufacturer registering a design in the United Kingdom automatically obtains protection for the design in the Territory without the payment of further fees.

Savings Bank.—No. 29, replacing existing legislation (c. 123), is based on a model Ordinance drawn up by a committee which was appointed to examine the system of Savings Banks established in the Colonies, and its effect is very similar to that of the Ordinance it replaces.

There is, however, one noticeable difference. Under the Ordinance the Savings Bank is established as a separate accounting entity, distinct from Government, and the securities held on Savings Bank account belong to the Savings Bank and not to the Government.

Following earlier practice the Ordinance expressly provides for the Savings Bank to operate under Government guarantee both as to principal and interest. It also provides for the submission of the Bank's accounts to the Legislative Council each year.

4. UGANDA PROTECTORATE.

[*Contributed by* H. Ralph Hone, Esq., *Attorney-General.*]

Thirty-one Ordinances were enacted during 1936, and, by virtue of the powers contained in the Revised Edition of the Laws Ordinance (No. 16 of 1936), these have been republished in one volume in such a form as to refer to and be uniform with the Revised Edition of the Laws of Uganda in six volumes which was published in November 1936, and contained the laws in force on February 15 of that year.

Explosives.—No. 3 is a lengthy Ordinance which provides in modern form for the regulation, by means of licensing, of the importation, exportation, manufacture, storage and sale of a specified list of the more dangerous explosives. With the enactment of this Ordinance, the Indian Explosives Act, 1884, has ceased to apply to the Protectorate.

Probates (Resealing).—No. 4 provides for the resealing in Uganda of probates granted in the Dominions and dependencies in a manner which is now common form.

Poor Persons' Defence.—No. 6 makes better provision for legal aid at the Government expense for poor prisoners committed for trial by the High Court in any case where the committing magistrate or trial judge certifies that such aid should be provided. Hitherto, poor prisoners were normally defended at the expense of the State in murder trials only.

Evidence and the Penal Code.—Nos. 9 and 10 introduce amendments into the local law to bring it in strict conformity with the principles established in *Rex* v. *Woolmington*.

Trout Protection.—With renewed activity in the introduction of trout into certain streams in the Protectorate it was considered desirable to enact Ordinance No. 18 for the protection of the fish on lines similar to the laws of Kenya and Tanganyika on the subject.

Savings Bank.—Ordinance No. 20 follows a model which has been prepared by the Colonial Office in consultation with the Postmaster-General with a view to modernizing and standardizing savings bank practice in the colonial dependencies.

Hulling of Coffee.—No. 24 is an Ordinance which requires the licensing of factories for the hulling of coffee and limits the issue of licences to factories in operation or use during the two years prior to October 1, 1936. The Ordinance also prohibits any increase in the hulling capacity of any licensed factory.

5. ZANZIBAR.

[*Contributed by* A. Hallam Roberts, Esq., *Crown Counsel.*]

During the year twenty Decrees were passed, of which sixteen were amending Decrees. The following is a list of the more important of these enactments and contains a short summary of the objects and reasons therefor:

Alienation of Land (Restriction and Evidence).—The object of Decrees Nos. 1 and 9 is to extend for further periods the moratorium effected by s. 19 of the principal Decree (c. 112) which is applicable in the case of debts secured by mortgaged land owned by Arabs and Africans. The extension is now of indefinite duration, but it is expected that the remedial legislation necessary to effect a settlement of the indebtedness problem will be introduced early in 1937.

Pawnbrokers.—The amending Decree No. 2 was enacted to overcome the difficulty presented by the unsuitability of the conversion table contained in the third schedule of the Currency Decree, 1935, for the purpose of interpreting ss. 15 and 16 of the principal Decree (c. 86) in the terms of the new currency, owing to the fact that such conversion does not yield a mathematically accurate integral figure which could be applied to pawnbroking transactions.

Marriage and Divorce (Mohammedan) Registration.—The amending Decree No. 4 was enacted to provide that the disability from taking notice of unregistered marriages and divorces which is imposed upon the courts by s. 20 of the principal Decree (No. 8 of 1935) shall apply equally to the case of unregistered revocations of revocable divorces.

Dangerous Drugs.—The amending Decree No. 7 was enacted so as to describe more completely the various constituents of Indian hemp

included in the definition of Dangerous Drugs in the principal Decree (c. 64) and to include " coca leaves " in the said definition.

Native Hut Tax (Remission and Exemption).—The amending Decree No. 8 was enacted for the purpose of enabling remissions and exemptions to be granted by Administrative Officers in charge of districts in certain cases in respect of native hut tax. Under the principal Decree (c. 98), exemptions from payment of the tax can only be granted by His Highness the Sultan in Executive Council, and this has proved inconvenient in certain individual cases where remission or exemption is desirable on the score of poverty, infirmity or old age, the merits of which cases are best known to the Administrative Officer concerned in the collection of the tax.

Revised Edition of the Laws.—Decree No. 10 was enacted to make provision for the preparation and issue of an annual supplement to the Laws of the Protectorate which will contain a complete record of all legislation enacted between the date of the last revision of the laws (December 31, 1934) and December 31 of the year next preceding the date of the issue of the supplement, and remaining in force on the later date.

Ngoma Regulation.—The amendment of the definition of " Ngoma " in the principal Decree (c. 36) effected by Decree No. 11 is designed to bring every form of Oriental entertainment and dance held publicly during the prescribed hours under the control of the District Commissioner, irrespective of its accompaniment by music, drumming or singing. The characteristic of such accompaniment in the existing definition excludes from control dances such as *Raz-ha*, which is accompanied by the display of naked swords but is not invariably accompanied by music, drumming or singing. Opportunity has been taken to omit from the definition the reference to the *Kinanda*, which connotes a musical instrument and is not, therefore, agreeable to the context.

External Probates.—The provisions of s. 5 of the principal Decree (c. 14), as it existed prior to the amendment effected by the present Decree No. 12, enabled probate and letters of administration granted by a British court outside the Protectorate to be sealed in the Protectorate only when proof was forthcoming either that estate duty had been paid on the property liable to such duty in the Protectorate, or that security for the full value of the property (not the amount of the estate duty payable) had been given. The effect of this provision would appear to be to disable the courts from requiring evidence either of payment of duty or of security given therefor, and in that respect the provision differed from the conditions precedent to the grant of internal probate and letters of administration. The section as replaced by this Decree makes it clear that the two alternatives relate to different subject-matter, and opportunity has been taken to enable security for estate duty to be given in such cases instead of actual payment. Opportunity has further been taken to dispense with the conditions precedent as to the payment of duty and security in the case of applications under the Decree by the Administrator-General.

Councils.—The object of Decree No. 14 is to amend the principal Decree (c. 28) in the following respects: (*a*) To make it clear that an Official Member of the Executive or Legislative Councils on ceasing to hold office under the Government ceases to be a Member of the Councils. Effect is given to this by ss. 2 and 4 of the Decree. (*b*) To remove any

doubt which might be occasioned by the term of s. 16 of the principal Decree as to whether the provisions of Arts. 23 and 42 of the Zanzibar Order in Council, 1924, which *inter alia* require the countersignature of the British Resident to make Decrees binding on the persons to whom that Order extends, apply equally to Orders and other enactments made under the authority of, and having the force and effect of, a Decree. Effect is given to this by s. 3(*b*) of the Decree.

Government Savings Bank.—Decree No. 16 was enacted to replace the Government Savings Bank Decree (c. 77) and to give effect to the recommendations of a committee appointed by the Secretary of State to examine the savings bank systems in the Colonies. The broad principle reflected by the Decree is to make the Savings Bank financially sound and self-supporting independently of general Protectorate funds.

Arab and African Guardianship.—The powers of a guardian under the principal Decree (c. 17) to utilize the corpus of the property of which he has the care for the ward's benefit is restricted to one-half of the property. Circumstances occasionally arise where it is manifestly in the interests of the ward that judicial sanction may be given to the utilization of more than one-half of the property on his behalf. The object of the amendment, No. 17, was to confer such power upon the courts. The new s. 4A by which this was effected follows the provisions of s. 57 of the Trustee Act, 1925, a provision which has been much resorted to by trustees in England who, though anxious to comply with the reasonable wishes of their *cestuis que trust*, are not minded to incur the risk of committing a breach of trust.

Native Liquor Regulation.—The amendment of the principal Decree (c. 45) effected by Decree No. 18 is designed to confer upon the authorities greater powers than are afforded by the principal Decree to counteract the growing evil of manufacture and consumption of native liquor within the Protectorate. The amendments which call for explanation are as follows: (*a*) The new definition of "native liquor" introduces no alteration of substance (except the inclusion of the liquors known as *mvinyo ya tende* and *Kangara*, which are well-known liquors of native consumption), but is designed to clarify the meaning of the existing definition and remove doubt. (*b*) S. 3 of the principal Decree which prohibits certain acts in relation to native liquor has been extended so as to include manufacture and the tapping of palm trees, by which process certain kinds of native liquor are obtained. (*c*) The new s. 5A is designed to facilitate proof of the commission of an offence in the case of persons whose association with the discovery of native liquor is such as to raise a *prima facie* presumption of their being concerned in its illicit possession. As regards the landlord who is actually living on the premises at the time of such discovery, it was considered to be a fair presumption that he is aware of the illicit practice which is being conducted in his own house, and, if he has such knowledge, that it is no hardship to cause him to share the criminal responsibility. (*d*) The new s. 5B is designed to simplify proof of analyses of native liquor made by a Government chemist, which is especially convenient in the case of prosecutions instituted at some distance (such as Pemba) from headquarters. (*e*) The new s. 5C supplies the necessary power to order the confiscation and destruction of utensils used in connexion with contraventions of the Decree.

Public Markets.—It has been the practice over a long period to levy a fee of 10 per cent. of the realized value of goods sold in public markets

which have not been leased under the provisions of the principal Decree (c. 35). Although reference is made in s. 7 of that Decree to the market rents heretofore levied of a character corresponding to the fee above mentioned, it does not appear that the levying of this fee, or indeed of any charge whatsoever in such markets, was authorized by existing law. The object of the amending Decree, No. 20, is to legalize the existing practice, and to take power to levy similar charges in the future.

6. THE ANGLO-EGYPTIAN SUDAN.

[*Contributed by the* HON. ADVOCATE-GENERAL.]

1936 was a year of legislative inactivity; only one ordinance is of interest.

Air Navigation.—The Air Navigation Ordinance (No. 3) follows closely the United Kingdom Act of 1920, though the Anglo-Egyptian Sudan has not adhered to the Convention of Paris.

XI. SOUTH ATLANTIC.

BRITISH GUIANA.

[*Contributed by* J. H. B. NIHILL, ESQ., K.C., *Attorney-General.*]

There were thirty-five public Ordinances passed during the year 1936. The principal of these were:

Deeds Registry.—Ordinance No. 4, which amends the Deeds Registry Ordinance, c. 177, was enacted to remedy defects which existed in the law with respect to (*a*) the sale in execution of mortgaged property and the effect thereof on other incumbrances, and (*b*) the persons among whom the proceeds of the sale are to be distributed. This Ordinance introduces a procedure which is in accordance with that which obtains elsewhere in the Empire under English law and the Australian Torrens system. Under it preferential charges or statutory claims will be enforceable in priority to all other incumbrances or rights over a property sold at execution, and voluntary registered incumbrances will have priority *inter se*. It is hoped that the effect of the Ordinance will be to put dealings in property on a rational basis and to enhance the value of property.

Registration of Births and Deaths.—Ordinance No. 15 amends the Registration of Births and Deaths Ordinance, c. 139, so as to provide for the late registration of a birth on the written authority of the Registrar-General in cases where twelve months or more have passed since the birth. Hitherto a birth could only be registered within twelve months of its occurrence, and in certain instances hardship was occasioned accordingly.

Cinematograph (British Quota).—Ordinance No. 16 amends the Cinematograph (British Films) Ordinance, 1933 (No. 42), which required cinematograph exhibitors to show a certain percentage of British films in each year. The effect of the amending Ordinance is to make the requirements of the 1933 Ordinance in respect of the percentage of British films to be shown less onerous and more gradual in application. The principal Ordinance was by proclamation brought into operation as from January 1, 1937.

Importation of Bees.—Ordinance No. 18 re-enacts s. 5 of the Importation of Bees Ordinance, 1935 (No. 38). Its object is to restrict to officers of the rank of sub-inspector and above the power given to the police to seize beekeepers' stock or bees suspected to having been imported in contravention of the Regulations made under the Ordinance. It also provides for the payment of compensation at the discretion of the Governor in Council to an aggrieved owner for damage arising out of any seizure subsequently found to have been unwarranted.

Life Assurance.—Ordinance No. 19 amends the Life Assurance Companies Ordinance, 1930 (No. 14), so as to transfer certain powers therein contained from the Governor in Council to the Governor.

Transport and Harbours: Road Services.—Ordinance No. 22 confers statutory power on the Transport and Harbour Board to run road transport services.

Georgetown Town Council.—Ordinance No. 23 amends the Georgetown Town Council Ordinance, c. 86. Its object is twofold: (1) to ensure that in the event of a tie occurring at the election of a Mayor, there shall be an election by the municipal voters from the councillors nominated for the office by their fellow-councillors; (2) to make it clear that the limit of $100,000 set on the borrowing powers of the Council by s. 212 of c. 86 is set on the amount which may be outstanding at any given time and not on the amount which may be borrowed annually by the Council.

Hucksters.—Ordinance No. 28 is in effect a consolidating Ordinance. The rates of duty in respect of a huckster who uses a horse-drawn or donkey-drawn cart or a motor-car have, however, been increased; the object for the increase is to strike a fair balance between these traders and the stationary shopkeeper who pays a trade licence fee. The Ordinance further strengthens the law with regard to the control of hucksters and the detection of offences.

Animal Diseases.—Ordinance No. 29 re-enacts with additions the Animals (Breed and Contagious Diseases) Ordinance, c. 272, as amended by Ordinance No. 38 of 1932. The new provisions are designed to strengthen the powers of the Department of Agriculture in dealing with outbreaks of disease and in taking preventive measures.

Titles of Judges.—Ordinance No. 32 amends the Supreme Court of Judicature Ordinance, c. 10, so as to provide for a differentiation in title between the two puisne judges according to the salary attached to their appointments.

Deceased Persons Estates' Administration.—Ordinance No. 34 repeals and replaces s. 31 of the Deceased Persons Estates' Administration Ordinance, c. 149, so as to facilitate the winding-up of estates of deceased persons with property in different parts of the British Empire. Probates and Letters of Administration obtained in one part of the Empire can, by the simple procedure of re-sealing, have the same force and effect and the same operation in British Guiana as if they were granted locally.

Shop Hours.—Ordinance No. 35 amends the Shops Regulation Ordinance, c. 77. Its object is to shorten the hours during which certain shops may open in the towns. It provides relief to a class of shop assistant whose hours of employment were generally considered to be unduly long.

XII. WEST INDIES.

1. BAHAMAS.

[*Contributed by the* Hon. Harcourt Malcolm, C.B.E., K.C., *Speaker of the House of Assembly.*]

Acts passed—27.

Seal-at-Arms.—The Seal-at-Arms Recognition Act, c. 2, legalizes the use of the Seal-at-Arms of the Governor for the purposes of evidence or public record.

Tariff.—C. 3 repeals and re-enacts the Tariff Act, 1931, with certain amendments, the principal being the increase of customs duty on alcoholic beverages and gasoline or petrol.

Stamp Duty.—C. 4 provides for a stamp tax of twopence on every bill of exchange, withdrawal of funds on deposit, cheque or order. The Act also reduces the stamp duty payable in respect of a memorandum of association of a company whose capital is over £200,000, from twenty shillings to ten shillings per £1,000 of the excess.

Savings Bank.—C. 7 separates the Post Office Savings Bank from the Post Office of the Bahamas in order to provide for the better administration of the former.

Court Moneys.—The Court Deposits Act, c. 8, provides for the payment of court deposits, other than court fees, after they have been entered as such by the Registrar-General, to the Receiver-General and Treasurer.

Cycles.—C. 10 provides for the licensing of cycles.

Juvenile Offenders.—C. 11 deals with juvenile offenders who are under 14 years of age. Any person who is convicted under its provisions where the death sentence would be imposed in the case of the adult will merely be detained during His Majesty's pleasure under such conditions as the Government may direct.

Coroners.—C. 12 provides for the adjournment and resumption of an inquest touching death, upon the coroner being informed, before the jury have given their verdict, that some person is charged before a magistrate with the murder, manslaughter or infanticide of the deceased.

Pilotage.—C. 13 principally provides for the granting of certificates of qualification under certain conditions to persons who have passed their examinations but who otherwise would not have been qualified to become pilots.

Motor-cars.—C. 14 increases the speed limit of motor-cars from twenty miles to thirty miles per hour.

Penal Code.—C. 15 deals with the difficult question of intoxication as a defence to a criminal charge. The Act permits corporal punishment of an habitual male criminal. The Act also provides for the acquiring of burial grounds by friendly societies.

C. 16 provides for the punishment of persons who infringe upon the Currency Note Act by counterfeiting the lawful current coin or note of the British Empire or any foreign country.

Police.—C. 17 reduces the enlistment period of recruits to the Police Force to one year and regulates the granting of good conduct badges.

Reserved Bills.

The Governor's Salary.—The Governor's Salary Bill, 1936, increases the salary of the Governor from £2,500 to £3,000 per annum. It is retroactive to January, 1935.

Currency Notes.—The Currency Notes Bill, 1936, which repeals the Currency Notes Act, removes the silver backing to the currency notes of the Colony and replaces it with investments in securities, thus placing the currency of the Colony on an exchange basis with Great Britain.

2. BARBADOS.

[*Contributed by* Wilfred K. Fergusson, Esq., B.A., LL.B., *Legal Draftsman.*]

Seventy-seven enactments were passed during the Legislative Session 1935–6, of which seventy-two were passed in the year 1936. Of these the most important are as follows :

Molasses.—Act No. 12 stabilizes the Fancy and Extra-Fancy Molasses Industry within this Island. This Act expired on October 31, 1936, and was replaced by Act No. 62 regulating the production, marketing and export of Barbados Fancy Molasses. This latter Act is also of a temporary character.

Trusts.—Act No. 31 provides for the appointment of a Public Trustee and amends the law relating to the administration of trusts.

Electricity.—Act No. 34 provides for the inspection and control of electric works and for other purposes in connexion therewith.

Dangerous Drugs.—Act No. 39 consolidates the law relating to the importation, exportation, manufacture, sale and use of dangerous drugs.

Customs.—Two Acts, Nos. 42 and 56, amend the Customs Tariff Act with a view to affording protection to articles of British manufacture imported in connexion with the celebration of His Majesty's Coronation.

Volunteers.—Act No. 43, amending the Volunteer Act, provides for the appointment of a non-commissioned officer of the Regular Forces to be instructor to the Local Forces and makes it possible for that officer and for the staff officer of the Local Forces to visit the Windward and Leeward Islands on duty, if required.

Judiciary.—Act No. 45 amending the Judicial Establishment Act, 1929, provides for the appointment of a separate Judge to the Petty Debt Court of Bridgetown, and relieves the Registrar of judicial functions in the Assistant Court of Appeal.

Pensions.—The effects of Act No. 68 amending the Pension Act, 1925, and the Pension (Amendment) Act, 1926, are, firstly, to enable a public officer at his option to receive on retirement a gratuity and reduced pension in lieu of his ordinary pension, and, secondly, to authorize the payment of a gratuity to the personal representatives of a public officer who dies while in the Service of the Crown after having served for at least five years.

3. JAMAICA.

[*Contributed by* J. E. R. Stephens, Esq., *formerly a Resident Magistrate of Jamaica and subsequently Senior Puisne Judge of H.M. Supreme Court of Kenya Colony and a Member of the Court of Appeal for Eastern Africa.*]

During the year 1936 some thirty-seven Statutes were passed by the Legislative Council of the Colony, but many of them were of mere

local interest. The following is a summary of the more important enactments of general interest during the year 1936.

Package Tax.—Law 2 imposes a tax on every package brought into the Island for the use of the Colony from beyond the seas. The Governor in Council is, however, empowered to exempt from duty any package or class of packages on which the duty appears to be unduly burdensome. Packages of goods imported by the Government, military authorities, Kingston and St. Andrew Corporation or a parochial board are exempt from package duty.

Gambling.—Law 4 further amends the Gambling Law, 1898. By it certain companies are entitled to conduct not more than two sweepstakes in each calendar year on any race meeting promoted by such company, one of the conditions being that within seven days after the advertised date for the draw for any sweepstake 15 per cent. of the gross receipts from such sweepstake evidenced by a statement of account duly verified by the auditors of the company shall be paid by the company conducting the same to the Island Treasurer to be applied by the Governor in Privy Council in such manner as he shall deem best for the improvement or benefit of the public hospitals in the Island. This Law further enacts that any three or more responsible citizens ordinarily resident in the Island may with the permission of the Inspector-General of Police or other officer nominated for this purpose by the Governor in Privy Council organize a lottery for the purpose of raising funds for the building or repairing of any church, or in aid of any institution of a public, philanthropic, charitable or religious character, provided that within seven days after such lottery shall have been conducted 15 per cent. of the gross receipts from such lottery evidenced by a statement of account duly verified by a chartered or certified accountant shall be paid by the organizers to the Island Treasurer to be applied by the Governor in Privy Council in such manner as he shall deem best for the improvement or benefit of the public hospitals in the Island.

Punishment of Young Criminals.—Law 5 amends the Young Criminals Punishment Law, 1904, and repeals the Young Criminals Punishment Amendment Law, 1909. It defines a "child" as meaning a person under the age of 14 years, and a "young person" as one who is 14 years of age or upwards and under the age of 16 years. A child charged with an indictable offence other than homicide or with any offence specified in the schedule to the Young Criminals Punishment Law, 1904, may, if the court thinks it expedient so to do, be dealt with summarily, and be ordered to pay a fine of forty shillings, and if the child is a male, be adjudged to be whipped in addition to or instead of a fine. But this section shall not render punishable for any offence any child who is not in the opinion of the court above the age of 7 years, and of sufficient capacity to commit crime. A child on conviction by the court for an offence under any law, whether past or future, shall not be sentenced to imprisonment, nor fined a larger sum than forty shillings. Sentence of death shall not be pronounced or recorded against a child or young person, but in lieu thereof the court shall sentence the child or young person to be detained during the Governor's pleasure.

Probates and Letters of Administration.—Law 6 repeals the United Kingdom Probates Law, 1894, and enables probates and letters of administration granted by a court of probate in any part of His Majesty's

Dominions or a British court in a foreign country to be sealed with the seal of the Supreme Court of Judicature of Jamaica.

Foreign Judgments.—Law 7 makes provision for the enforcement in Jamaica of judgments given in foreign countries which accord reciprocal treatment to judgments given in Jamaica.

Identification of Criminals.—Law 14 is a law to facilitate the identification of criminals by means of finger-prints. An authorized officer (which expression means any officer, sub-officer of the police force or any prison officer appointed as such by the Governor) may from time to time take the finger-prints of any person in lawful custody for any felony or indictable misdemeanour, whether accused or convicted, provided that the finger-prints of an accused person not previously convicted shall not be taken except by order of the court having jurisdiction over the offence for which such accused person is charged. If the person whose finger-prints are taken is convicted of any such offence, his conviction and sentence shall be recorded in the space provided for the purpose on the finger-print form. If he is acquitted, the finger-print form shall be destroyed. When the finger-prints on a finger-print form purport to have been taken and the entries therein purport to have been made by an authorized officer, the finger-print form shall be admissible in evidence without proof, and shall be *prima facie* evidence of the conviction and sentence of the person whose finger-prints are impressed therein. Any additional information may be recorded on a finger-print form, but the finger-print form shall not be evidence of such additional information. For the purpose of proving a previous conviction of a person accused or convicted of any such offence a certificate in the form contained in the rules made under this law, and purporting to be signed by the officer of the Finger Print Bureau, shall be admissible in evidence without proof, and shall be *prima facie* evidence that the finger-prints to which the certificate relates are the finger-prints of the same person and also of the previous convictions and sentences recorded in the certificate.

Intestate Estates.—Law 35 relates to the distribution of estates of intestates and charges on property of deceased persons. By this law the Acts of the Imperial Parliament (The Statute of Distribution, 22 & 23 Chas. II, c. 10 ; an Act for reviveing and continuance of severall Acts of Parlyament therein mentioned, 1 James II, c. 17 ; The Inheritance Act, 1833, 3 & 4 Will. IV, c. 106) are, in so far as under the provisions of the Act 8 Vict., c. 16, the same have hitherto had the force of Law in the Island, to cease to have such force. And certain Jamaican laws concerned with this subject are hereby repealed. By this law, where the mother of an illegitimate child, such child not being a legitimated person, dies intestate as respects all or any of her real or personal property, and does not leave any legitimate issue, the illegitimate child, or if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate. There are similar provisions in favour of the mother of an illegitimate child.

4. LEEWARD ISLANDS.

[*Contributed by* CECIL E. A. RAWLE, ESQ., *Attorney-General.*]

Fourteen Federal Acts and eighty Presidential Ordinances (Antigua 24, Dominica 9, Montserrat 19, St. Christopher-Nevis 18, and the Virgin Islands 10) were passed during the year 1936.

Of these enactments the more important were:

Leeward Islands.—Act No. 10 amends the Leeward Islands Act, 1871, by providing: (*a*) that an Island Legislature may withdraw from the Federal Legislature any powers of legislation in respect of certain special subjects delegated to the Federal Legislature by the Island Legislature and, (*b*) that where the Governor considers that it is necessary for the good government or financial stability of any Presidency that any Bill introduced, or motion, resolution or vote proposed for decision in any of the Island Legislatures should have effect, and such Island Legislature fails within a reasonable time to pass such Bill, motion, resolution or vote, the Governor may, in certain cases, declare that such Bill, motion, resolution or vote shall have effect as if it had been passed by the Island Legislature, and in the case of any such Bill, may assent thereto in His Majesty's name and sign the same in token of such assent.

Constitution. — Ordinances No. 20 (Antigua), No. 8 (Dominica), No. 16 (Montserrat) and No. 14 (St. Christopher-Nevis) provide for the reconstitution of the Island Legislatures of the Presidencies of Antigua, Dominica, Montserrat and St. Christopher-Nevis respectively.

The electoral principle is introduced into the island legislatures of Antigua, Montserrat and St. Christopher-Nevis: in Dominica, which had been granted a measure of popular representation under Ordinance No. 21 of 1924, the unofficial element is strengthened. The new Legislative Councils are composed of three official members, three nominated unofficial members and five elected members (except in the case of Montserrat, where the membership is three officials, two nominated unofficials and four electives), and take the place of Councils which consisted of an equal number of officials and unofficials wherein the President had a second or casting vote in addition to an original vote. Power is reserved to the Governor to enact legislation which he considers necessary in the public interest if the Council should refuse to pass the same.

Sugar-cane Cess.—Ordinance No. 24 of Antigua imposes a cess of sixpence on every ton of sugar transported over any extension of the existing light railway system. This cess is intended to secure the repayment of loans made by the Government to the local sugar companies for the purpose of constructing certain extensions of their railway system.

Cotton-seed Control.—Ordinance No. 11 of Montserrat provides for the control of cotton seed intended for planting, and creates a Cotton Research Fund for the promotion of research work in the cotton industry.

Cotton Export.—Ordinance No. 2 of the Virgin Islands imposes a levy at a rate to be prescribed, not exceeding one halfpenny per pound, upon all clean cotton lint exported from the Presidency, to be used for the purpose of furthering the interests of the cotton industry.

5. WINDWARD ISLANDS.

(i) Grenada.

[*Contributed by the* Hon. Charles Claye Ross, M.A., *Attorney-General.*]

During the year 1936, forty-four Ordinances were enacted, of which the most important were the following:

Motor-spirit Dealers.—Ordinance No. 1 provides for the licensing of dealers in motor spirit, and also ensures that proper arrangements are made for its storage and pumping.

Magistrates' Protection.—Ordinance No. 2 was passed to protect magistrates and justices for acts done in the execution of their office.

Road Cess.—Ordinance No. 3 imposes a cess on certain commodities produced or articles manufactured locally, to provide revenue for the upkeep of the roads of the Colony. In imposing such cess the test will be whether such produce or article is transported by road and, if so, in what manner and in what quantities. S. 4 provides for a yearly licence to be taken out and payment of a fee to be prescribed by regulations.

Probates Re-sealing.—Ordinance No. 5 substitutes for the present provisions regulating the re-sealing of probates legislation on the lines of a model draft prepared by the legal advisers to the Secretary of State.

Employers and Servants.—Ordinance No. 8 repeals the Masters and Servants Act and provides that all contracts of employment shall be deemed to be monthly unless otherwise agreed between parties.

Deportation (British Subjects).—Ordinance No. 15 regulates the deportation of undesirable British subjects and British protected persons. Provision is made for the Governor in Council to make deportation, restriction and security orders where necessary.

Immigation Restriction.—Ordinance No. 16 imposes restrictions on immigration and provides for the appointment of immigration officers. S. 23 places liability on a ship to repatriate a prohibited immigrant.

Law Reform (Married Women and Tortfeasors).—Ordinance No. 18 amends the law relating to the capacity, property and liabilities of married women and the liabilities of husbands ; and also amends the law relating to proceedings against, contributions between, joint tortfeasors. S. 2 relates to the capacity of married women and s. 4 abolishes the husband's liability for his wife's tort and anti-nuptial contracts, debts and obligations.

Intestates Estate.—Ordinance No. 20 amends the law relating to distribution of property on the death of the owner thereof and provides for the abolition of descent to heirs, curtesy, dower and escheats. S. 4 relates to undisposed property and provides new rules of succession on intestacy.

Magistrates.—Ordinance No. 21 consolidates and amends the law relating to magistrates. The Ordinance provides for appointments of clerks of the courts and bailiffs.

Magistrates' Judgment (Appeals).—Ordinance No. 28 embodies the provisions of the Magistrates Ordinance referable to appeals and also introduces certain new principles which bring the legislation on the subject in line with modern enactments of a similar kind in other Colonies. The proviso to s. 3 makes provision restricting appeals. The proviso to s. 6 gives a magistrate power to stay execution until the appeal is determined. Ss. 7 and 17 provide for the speedy hearing of appeals in cases where the appellant is unable to enter into recognizance to prosecute the appeal and has to remain in prison.

Dangerous Drugs.—Ordinance No. 30 makes provision for the extension of the Dangerous Drugs Act to drugs capable of being converted into dangerous drugs and gives effect to a Convention signed at Geneva on behalf of His Majesty on July 13, 1931, now applied to this Colony. The Ordinance embodies and consolidates the latest legislation on the working of the law on this subject.

Counterfeit Currency.—Ordinance No. 32 makes such amendments

to the law as are necessary to enable the convention for the Suppression of Counterfeiting Currency to be applied to the Colony.

Criminal Code.—Ordinance No. 34 enables a jury upon indictment of a woman for the murder of her newly-born child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of the birth of such child. It also provides for the acceptance by the court of a majority verdict where such verdict is that of concealment of the body of a child.

Mercantile Law.—Ordinance No. 37 has been passed to enable bankers and other lenders to make temporary loans against warehouse receipts or bills of lading.

Whale Fishery.—Ordinance No. 41 was passed in accordance with the directions contained in the Secretary of State's dispatch of August 28, 1936, which stated that it would not be necessary to have colonial legislation dealing with the whale fishery, as the matter was completely covered by Imperial legislation.

Education.—Ordinance No. 42 amends and consolidates the law relating to primary and secondary education in the Colony. The Ordinance provides for the appointment of an Education Board and includes provisions for the training of teachers, and the award of a Grenada as well as an agricultural scholarship.

(ii) Saint Lucia.

[*Contributed by* J. E. M. Salmon, Esq.]

Ordinances passed—23.

Courts.—Civil Code (Resealing of Probates) Amendment, No. 11, extends and replaces the provisions governing the resealing of probates, letters of administration and like documents from abroad.

The Destruction of Court Records, No. 16, provides for the destruction, periodically, of records of the Royal Court, the District Courts and the Registry of Deeds.

Criminal Law.—No. 8 amends the Criminal Code, 1920, as to certain assaults and also in respect to juries (qualification, lists, summoning, challenge, and deliberation and verdict), the time for sentencing accused persons convicted for sentence only and as to the signing of indictments by counsel acting for the Attorney-General.

Currency.—No. 4, Currency Notes (Trinidad), makes currency notes of Trinidad legal tender locally at the rate of 4*s.* 2*d.* to the dollar.

Education.—Board of Education, No. 7, provides for the constitution, membership, functions, meetings and business of a Board of Education, which is primarily a consultative body, to advise on any grade or type of education the Governor may include within its scope.

Medical Registration.—No. 18 appoints the Registrar of the Royal Court *ex officio* the Registrar under the Medical Registration Ordinance No. 72, 1916 Revision, as amended.

Petroleum.—No. 9 amends the Petroleum Ordinance No. 22, 1916 Revision, by fixing the flash-point of petroleum at 73° instead of 76° Fahrenheit.

Public Buildings.—The Public Buildings (Insurance Fund) Abolition, No. 15, provides for the cessation of the Fund and legalizes a 1928 loan of £3,000 by Government to the Castries Town Board.

Public Officers.—No. 17, Guarantee Fund Amendment, replaces the provisions governing the security to be given by persons in the public service, including the keeping of a register of such persons.

No. 19, Treasurer's (Representation of Treasurer in District Court), empowers the Treasurer to appoint in writing a deputy to appear for him in the District Courts.

Revenue and Taxation.—No. 1, Official Emoluments Levy, continues a levy during 1936 on the salaries of public employees.

No. 2 provides for a 12½ per cent. increase on income tax 1936 assessments. No. 10 provides for the remission of income tax in certain cases by the Governor in Council.

No. 14 amends the Liquor Licence Law as to payment of trade duty.

No. 22, Royal Court Amendment, makes the fees of certain sheriffs' officers payable to general revenue.

No. 3 exempts from stamp duty the security given by the secretary of the Banana Association.

Trade Imports and Exports.—No. 6 amends the Customs Duties Ordinance by substituting "Cable Wireless, Ltd., for Imperial and International Communications, Ltd.," as being entitled to exemption from import duty on certain articles.

No. 13 amends the Customs Ordinance as to the exportation of goods from the customs warehouse and the bond required for the purpose.

Whale Fishery.—No. 20 repeals No. 1 of 1925. The whaling industry is now regulated by Imperial legislation applicable to the Colonies: *see* Statutory Rules and Orders, 1936, No. 716, Fisheries—Whaling Industry (Regulation) Act (Newfoundland, Colonies, Protectorates and Mandated Territories) Order, 1936.

Wireless.—No. 21 provides that "wireless telegraphy" is to include "wireless telephony."

(iii) St. Vincent.

[*Contributed by the* Hon. H. A. O'Reilly, *Attorney-General.*]

The following are the most important of the thirty-three Ordinances which passed into law in 1936:

Savings Bank.—Ordinance No. 1 repeals c. 197 which regulated the working of the Government Savings Bank and substituted therefor an Ordinance along the lines of one which is being adopted generally in the dependencies of the Empire. It introduces a change by providing in s. 8 that any loss incurred in the working of the Savings Bank shall be made good out of the general revenues of the Colony.

Customs Duties.—The main change effected by Ordinance No. 2 is the removal of the additional duties formerly imposed on certain articles of men's apparel of foreign manufacture. The original object of imposing these additions had not been achieved, because the protection which it was intended that these additions should afford United Kingdom manufacturers had cast too heavy a burden on the poorer classes without the compensating advantage of an increase in the imports of these articles from the United Kingdom.

Probates Resealing.—Ordinance No. 8 enables probate and letters of administration granted in any part of the British Empire to be effective in St. Vincent on the resealing of the same, although there may not be a reciprocal concession in favour of this Colony afforded by the Colony granting the probate or letters of administration. The Ordinance also

repeals the Probates (British and Colonial) Ordinance, c. 7, which stipulated that such reciprocity must hitherto have existed.

Trinidad Currency Notes.—Trinidad Government Currency notes are made legal tender by Ordinance No. 14. The benefit secured to the Colony, apart from the convenience which the measure affords, is that an amount equal to approximately 1 per cent. of the notes in circulation annually in the Colony is to be paid to the funds of this Colony by the Government of Trinidad from the investments of its Note Guarantee Fund.

Official Emoluments Levy.—Owing to the improved financial position of the Colony and the certainty of a substantial budget surplus, the levy on official salaries was discontinued as from June 30, 1936, by Ordinance No. 16.

Registration of Clubs.—Ordinance No. 21 governs the establishment and operation of clubs which supply intoxicating liquor. Provisions are included to ensure the genuineness of clubs. Applications for registration must contain full details, and the Ordinance further provides for the keeping of proper records of membership, etc., by the secretaries of clubs.

Labour (Minimum Wage).—Ordinance No. 31 amends the principal Ordinance (No. 14 of 1934) by deleting the proviso therein which stipulated that benefits and privileges to the employees were to be regarded when fixing a minimum wage.

6. TRINIDAD AND TOBAGO.

[*Contributed by* E. Le Gendre, Esq., *Chief Clerk.*]

Twenty-nine Ordinances were enacted during the year 1936, of which the following are the more important:

Immigration (Restriction).—Ordinance No. 4 materially revises the law relating to immigration into the Colony with the object of restricting immigration as far as is practicable, having regard to Imperial, intercolonial and international obligations, and providing generally for the enforcement of the law.

Deportation (British Subjects).—Ordinance No. 5 provides for the unification of the law relating to the deportation of British subjects from the different colonies or protectorates, and sets out more precisely the grounds on which and the method by which deportation orders may be made.

Sugar Quotas.—Ordinance No. 16 provides for the fixing of quotas among local manufacturers for the sale of sugar for consumption in the Colony.

Wireless Telegraphy.—Ordinance No. 17 re-enacts with substantial modifications the provisions of the original Ordinance (c. 110) and provides for the effective control of the sale and licensing of wireless apparatus, the detection of any infringements, and the appointment of a wireless staff for the enforcement of the law.

Cinematograph.—Ordinance No. 18 consolidates the existing law relating to cinematograph exhibitions. The magistrates are constituted the licensing authority for purposes of the Ordinance; restrictions are imposed against the granting of a licence in certain circumstances; special provisions are made providing for the safety of the audience; and quotas are fixed for British and local films.

Municipal Corporations (Pensions).—Ordinance No. 29 regulates the granting of pensions, gratuities and other allowances to employees of municipal corporations in the Colony.

Administration of Justice.—Eight Ordinances, Nos. 19–26, relating to the administration of justice were introduced to replace a number of amending laws and also to give effect to certain further amendments the necessity for which, from time to time, has arisen.

Motor Vehicles and Road Traffic.—Certain amendments were made by Ordinance No. 2 to the existing law, but further amendments are in contemplation in order to control the issuing of licences and driving permits with a view to the safety of the public.

XIII. MEDITERRANEAN.

1. GIBRALTAR.

[*Contributed by* C. Mansel Reece, Esq., *Attorney-General.*]

Ordinances passed—7.

Revised Edition of the Laws (Annual Supplements).—Ordinance No. 1 makes provision for the issue of annual supplements of the laws following on the Revised Edition of the Laws, 1935, and also provides for the making of corrections that may have appeared in that revised edition. This system will replace the previous practice of publishing the laws merely in annual volumes.

Police.—Ordinance No. 3 empowers the Commissioner of Police, with the prior approval of the Governor, to enlist and constitute a force of special constables to assist the regular police of the Colony from time to time. The Ordinance also extends the rule-making power of the Police Ordinance so as to enable the Commissioner of Police to provide for what may be needed in the constitution and control of the special police.

Forgery.—Ordinance No. 4 provides for the disposal of a forged bank note or currency note and implements the powers set out under s. 19 of the Forgery Ordinance.

Coinage Offences.—Ordinance No. 5 consolidates the law relating to offences with regard to coins and brings local legislation generally into line with Imperial enactments on the subject.

Fees (Collection).—Ordinance No. 6 makes an amendment in the law with regard to the control of stamp vendors.

There is nothing of striking importance in the remainder of the legislation passed during 1936.

2. CYPRUS.

[*Contributed by the* Hon. L. Lloyd-Blood, M.C., *Attorney-General.*]

During the year 1936 forty-three laws were enacted, of which the most important were the following:

Acquisition of Immoveable Property by Aliens.—No. 11 empowers the Governor in Council to impose restrictions upon the acquisition by aliens of immoveable property situated in any prescribed area.

Immigration.—Law No. 16 regulates and controls the entry into the Colony of aliens as immigrants or travellers. It enables the Governor to prescribe the period during which aliens may remain in the Colony and to prohibit the entry of aliens of any class or category.

Deportation of British Subjects.—Law No. 17 empowers the Governor in Council in certain cases to make deportation orders in respect of immigrant British subjects who do not belong to the Colony.

Public Health.—Law No. 19 repeals the previous law on the subject and makes more adequate provision for the promotion of public health in villages. It creates a Village Health Commission in every village to which the Law applies and prescribes the duties and powers to be performed and exercised by such Commission at the instance of the Commissioner of the District. Provision is made for the establishment of a Village Health Fund for every such village.

Medical Registration.—No. 22 amends and consolidates the Law relating to the registration of medical practitioners. It establishes a Medical Council consisting of three Government Medical Officers (including the Director of Medical Services as chairman) and two private practitioners. It provides, *inter alia*, that no person shall be registered as a medical practitioner unless he possesses an adequate knowledge of the English language and is either the holder of a degree which would entitle him to registration in the United Kingdom or of a degree granted by a body recognized by the Governor in Council as a qualification for the purposes of this Law.

United Kingdom Designs.—Law No. 25 dispenses with the registration of a design registered in the United Kingdom under the Patents and Designs Acts, 1907 to 1932, and provides that the registered proprietor of such design shall enjoy in the Colony the like privileges and rights as though the certificate of registration in the United Kingdom had been issued with an extension to the Colony.

Compounding of Offences.—Law No. 26 enlarges the powers of the Commissioners by enabling them to compound certain offences set out in the Schedule to the Law and gives them additional power to require the forfeiture of animals or goods, where such forfeiture would have followed upon the conviction of the offender. It empowers the Governor in Council to make compoundable any offence punishable with imprisonment not exceeding six months or with a fine not exceeding twenty-five pounds or with both such imprisonment and fine.

Counterfeit Currency.—Law No. 28 gives effect to the International Convention for the Suppression of Counterfeiting Currency, signed on behalf of His Majesty King George V at Geneva on April 20, 1929. This Law will come into operation on a day to be fixed by the Governor by notice in the *Gazette*.

Customs.—Law No. 31 amends and consolidates the laws relating to the control and regulation of customs and the payment of import and export duties.

Employment of Women in Mines.—No. 38 gives effect to the draft Convention concerning the employment of women on underground work in mines which was adopted by the International Labour Conference at its Nineteenth Session in June, 1935.

3. MALTA.

[*Contributed by* C. John Colombos, Esq., LL.D.]

Ordinances passed—30.

Civil and Criminal Procedure.—Following the abolition of the Italian language as the official language of the Maltese courts, Ordinances

Nos. 20 and 21 were enacted providing that the Maltese language shall be the official language of the courts and that all civil and criminal proceedings shall be conducted in that language. An exception is made in favour of those persons " who do not speak Maltese as the principal language to which they are accustomed," but who possess a sufficient knowledge of the English language fully to understand and follow all the proceedings if conducted in that language. In all such cases, the courts are empowered to order that the proceedings should be conducted in English.

Law Revision.—A further result of the language change was the compelling necessity of translating the Italian texts into Maltese, and accordingly Ordinance No. 26 sets up a Commission entrusted with the task of preparing a new and revised edition of all the statutory laws of Malta printed in both the English and the Maltese texts. When ready, this edition will provide a comprehensive Code of the laws of Malta.

Attorney-General.—Ordinance No. 30 provides for the substitution of the words " Treasury Counsel " and " Public Prosecutor " by those of " Attorney-General."

XIV. MIDDLE EAST.

1. PALESTINE.

[*Contributed by* RALPH WINDHAM, ESQ., *Legal Draftsman.*]

Seventy-five Ordinances were enacted in Palestine in 1936—a record output. A large number of these, however, were short Ordinances of an emergency nature, designed to check the disturbances which broke out in Palestine in April 1936. With the same object in view there were brought into force during that month Emergency Regulations made under the Palestine (Defence) Order in Council, 1931, and to these were added a number of further Emergency Regulations during the course of the year. The more important of the Ordinances were the following :

Bankruptcy.—No. 3 substitutes for the Ottoman Law of Bankruptcy a comprehensive code modelled closely upon the English Bankruptcy Acts. Its enactment constitutes an important step in the process of gradually replacing the Ottoman law by legislation based on English and Colonial models.

Banks.—No. 9 amends the Banking Ordinance No. 35 of 1921, and introduces further provisions regulating the carrying on of banking business, necessitated by the unstable position of a large number of the smaller banks in Palestine. It prescribes that no new bank shall commence business without a licence from the High Commissioner, and it provides for the appointment and functions of a new Government officer —the Examiner of Banks—and for the submission to the Treasurer by all banks of monthly returns showing their financial position, in addition to the annual statements already required under the principal Ordinance.

Companies.—No. 64 amends No. 18 of 1929 by incorporating, with certain modifications, those provisions of the English Companies Act (upon which the principal Ordinance is modelled) which deal with private companies. The inclusion of provisions for the formation of private companies was not necessary when No. 18 of 1929 was enacted, but has since become so.

Courts.—Nos. 27 and 47 were enacted as a result of the Palestinian disturbances of 1936, in order to provide that for the purpose of the trial of criminal cases arising out of those disturbances the District Court and the Court of Criminal Assize should, for obvious political reasons, consist of British judges only.

Criminal Code.—No. 74, the most important enactment of the year, provides a complete Criminal Code, based substantially upon Colonial models, but modified to conform with local requirements. It replaces the Ottoman Penal Code, which was antiquated, cumbersome and inadequate, and it also repeals and embodies a number of existing Ordinances which constituted particular crimes. Certain features of the Ottoman Code (which was itself based upon French legislation) have been retained or only slightly modified. Killing, for example, still amounts to murder only where there has been a preconceived intention to kill (though not necessarily the person killed); the Ottoman provision that premeditation must have existed for at least twenty-four hours, however, has been abolished. The Ordinance came into operation on January 1, 1937.

Customs.—No. 51 empowers the High Commissioner by order, with the approval of the Secretary of State, to revoke, vary or impose customs duties. It had hitherto been necessary to do this by a series of Ordinances amending the Schedule to No. 40 of 1927.

Dangerous Drugs.—No. 17 repeals and re-enacts No. 21 of 1925, with a number of amendments designed to comply with the requirements of the International Convention for limiting the manufacture and regulating the distribution of narcotic drugs, of July 14, 1931. The amendments are largely technical, and comprise additions to the categories of dangerous drugs, including opium and its derivatives, and new clauses relating to the importation, exportation and transit of the drugs in Palestine.

Evidence.—No. 68 repeals that part of s. 5 of No. 13 of 1924 which provides that no judgment shall be given in any criminal case on the evidence of a single witness unless it is admitted by the accused or corroborated by other material evidence sufficient to establish its truth. The necessity for corroboration in criminal cases, or the weight to be attached to uncorroborated evidence, will now be a matter for determination by the Bench, except as regards offences for which corroboration may be statutorily required. This Ordinance was brought into operation in October 1937.

Local Councils.—No. 34 amends the Local Councils Ordinances of 1921 so as to amplify and to define more clearly the financial provisions affecting local councils, and the powers of local councils to levy rates, fees and contributions and to make by-laws—with a view to bringing these provisions more into line with the corresponding provisions obtaining in the case of municipalities.

Oaths.—No. 61 confers upon magistrates, and upon registrars of the various courts, general powers to administer oaths and to take affirmations, affidavits and declarations; their powers in this respect were previously limited to those conferred by Ordinances in specific cases. The Ordinance, which follows principles generally prevailing in British Colonial legislation, is designed to obviate inconvenience to the public, to whom documents to be sworn or affirmed are frequently transmitted for completion before magistrates or other judicial officers.

Patents and Designs.—No. 66 extends the provisions of s. 7 of No. 33

of 1924 so as to provide that where an invention has been claimed, its specification shall be amended or other prescribed procedure applied, not only in favour of any other specification previously lodged or patent previously registered, but also in favour of applications for the protection of United Kingdom patents or foreign " Convention " patents, which, though made subsequently to the claim in question, nevertheless confer rights of priority retrospective to the date of their original grant. It also inserts in the principal Ordinance a new section, based on s. 45 of the English Patents and Designs Acts, 1907–32, providing that an invention may be shown at an industrial or international exhibition, or a paper read by an inventor before a learned society, without prejudicing the inventor's right to apply for a patent for his invention.

Police.—No. 65, another Ordinance whose enactment was precipitated by the disturbances of 1936, and the dangers incurred by special constables enrolled during that time, provides for the award of pensions or gratuities to special constables or their dependents, in the event of their injury or death while discharging their duty.

Press.—No. 14 amends No. 3 of 1933 by extending the High Commissioner's power of suspending newspapers to cases where a newspaper publishes false news or false rumour which is likely, in his opinion, to create alarm or despondency. The measure is a precautionary one designed as a safeguard against the publication in the Palestine press at critical times of unverified statements of the nature referred to.

Prisons.—No. 13 amends the definition of " prisoner " in the Prisons Ordinance (No. 29 of 1921) so as to make it clear that the provisions of that Ordinance apply not only to persons who are in legal custody while awaiting trial or execution or serving sentences, but also to persons detained in legal custody while awaiting deportation as illegal immigrants or on other grounds.

Probate.—No. 22 amends No. 6 of 1929. That Ordinance provided for the recognition of probate and letters of administration granted in His Majesty's Dominions or in British courts abroad, but only in favour of such of the foregoing places as have made, or are about to make, reciprocal provision in favour of probates and letters of administration granted in Palestine. The amendment abolishes these requirements as to reciprocity, with the object of promoting uniformity in Colonial legislation on the subject.

Railways.—No. 29 repeals No. 30 of 1927 and consolidates and amends the law respecting Government railways. The rule making power and other powers of the General Manager of railways have been extended, and further amendments have been included to facilitate the introduction of a new and revised railway tariff.

Registrars.—No. 62 provides for the appointment of registrars to the Supreme Court and to the District and Land Courts, in addition to the already existing post of Chief Registrar, and defines their powers and duties. The Ordinance is designed to relieve judges of much hampering administrative work hitherto devolving upon them, by making registrars in effect the chief execution officers of the court, with power, *inter alia*, to supervise interlocutory matters, to administer oaths, to issue grants of probate and letters of administration and to assess court fees.

Town Planning.—No. 28 consolidates with considerable amendments the existing law of town planning. It constitutes district town planning commissions, consisting of Government representatives only, for each of

the three (since increased to four) Administrative districts, in substitution for the former one central commission, with the object of effecting decentralization in town planning control, and with the same object it provides that parcellation schemes shall require the approval of the district commission only, and not of the High Commissioner as hitherto. The powers of the court to order demolition have been extended, and jurisdiction over town planning contraventions has been conferred upon magistrates' courts subject to rights of appeal. The Ordinance also envisages regional planning throughout Palestine, a development which has recently been tentatively embarked upon.

Water (Pollution).—No. 53 makes provision against the pollution of the territorial and inland waters of Palestine by the escape or discharge of oil from vessels or otherwise, and includes restrictions on the transfer of oil to vessels at night time. It is based substantially upon the Oil in Navigable Waters Act, 1922 (12 & 13 Geo. V, c. 39).

2. TRANS-JORDAN.

[*Contributed by* A. L. GARDINER, ESQ., *Judicial Adviser.*]

1935.

Of the twenty-two laws which were enacted in Trans-Jordan in 1935, apart from laws connected with the budget, twelve were of a purely local importance, or amended existing legislation, and one, imposing sanctions in the case of Italy, was of a temporary nature. The remaining nine were as follows:

Antiquities.—The law of 1925 is repealed and replaced by a comprehensive law making adequate provision for the protection of antiquities in accordance with the terms of the Mandate.

Crown Actions.—The Crown Actions Law enacts that the Government is to be represented by the Attorney-General in all actions, whether as plaintiff or defendant. No action can be brought against His Highness the Amir without his consent: and no action can be brought against the Government except for obtaining property or compensation therefor or damages for breach of contract, and then only with the consent of the Chief Minister.

Defence.—The Trans-Jordan Defence Law, which is to be brought into operation only in a state of emergency by proclamation of His Highness the Amir, gives power to issue regulations of the kind at present in force in Palestine under equivalent legislation.

Land Tax.—An addendum to the Land Tax Law substitutes land tax for various other taxes in lands where land settlement has been effected.

Penal Code.—Two amendments to the Ottoman Penal Code (*a*) punish with imprisonment from three months to three years the publication of matter defaming His Highness the Amir, and (*b*) substitute imprisonment for life for the death sentence in the case of a pregnant woman convicted of murder, and in the case of a woman convicted of murdering her newly born child.

Protection of Crops and Plants.—The law of 1925 is repealed, and better provision is made for summary remedies through Administrative Officers in the event of damage by cattle to crops and plants.

Tax Collection.—The Tax Collection Law, which repeals Ottoman legislation on the subject, provides for a Commission to collect Government dues, which had been assessed and unpaid by the attachment of

sums due to the debtor and by the seizure and sale in the first place of his moveable property and secondly of his immoveable property. As a last resort the debtor may be imprisoned for one month, but does not escape thereby liability for the tax.

Wireless Telegraphy.—Provision is made for the control by the Government of wireless telegraphy, and the Ottoman legislation on the subject is repealed.

During the year an agreement was made with Palestine for the service of Judicial Documents. The special body called the Diwan Khas for the interpretation of laws met four times for the decision of revenue cases.

1936.

Apart from laws connected with the budget, thirty-nine laws were enacted in 1936, of which twenty-nine amended existing legislation and five took the place of former laws. One was of a temporary nature, repealing the law of 1935 prohibiting certain dealings with Italy. The most important laws enacted were :

Associations.—The law of Associations repeals Ottoman legislation on the subject and gives power to the Government to control the formation of associations and to supervise the same when formed.

Beduin Control.—Laws of 1928 and 1933 are repealed, and power is given to the Officer Commanding Arab Legion or his deputy to supervise certain scheduled nomadic tribes, and to deal with cases of raiding.

Carriage of Passengers and Goods by Air.—This law, which broke new ground, applies the international convention on the subject.

Disposal of Immoveable Property.—This law amending an Ottoman law gives power to the court dealing with certain land cases in areas which had not been declared land-settlement areas to adjourn the hearing of the case till settlement was declared in the area in question.

Partition.—The Partition law provides facilities for partition of undivided shares in land in places where land settlement has been effected.

Penal Code.—The Ottoman Penal Code is amended with regard to damage to cattle and other moveable property.

Pensions and Discharge Pay.—Two laws adding to Ottoman legislation regulate the service qualifying for pension and discharge pay prior to April 1, 1921, when the present Government was constituted.

Revenue Stamps.—A comprehensive law repeals Ottoman legislation on the subject and deals with the matter of revenue stamps.

Sharia Courts.—This law amends an Ottoman law, defines more exactly the jurisdiction of the Moslem religious courts and regulates their procedure.

Telegraph and Telephone Wires.—The Protection of Telegraph and Telephone Wires law repeals a law of 1925, and provides for collective punishment to be imposed administratively in cases of damage to telegraph and telephone wires where the perpetrators are unknown.

Tribal Courts.—The Tribal Courts law takes the place of a law of 1924, and provides for tribal courts under the control of administrative officers for the trial of cases between members of certain scheduled tribes in accordance with tribal law, to the exclusion in most cases of the jurisdiction of the ordinary courts. The Tribal Court of Appeal law constitutes a Court of Appeal to hear appeals from the tribal courts.

The Diwan Khas for the interpretation of laws met twelve times, the majority of the cases decided being revenue matters.

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(* Denotes Consolidation Act.)

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